

**VILLAGE OF PLEASANT PRAIRIE  
PLEASANT PRAIRIE VILLAGE BOARD  
PLEASANT PRAIRIE WATER UTILITY  
PLEASANT PRAIRIE SEWER UTILITY  
9915 - 39th Avenue  
Pleasant Prairie, WI  
September 2, 2014  
6:00 p.m.**

A regular meeting of the Pleasant Prairie Village Board was held on Tuesday, September 2, 2014. Meeting called to order at 6:00 p.m. Present were Village Board members John Steinbrink, Kris Keckler, Steve Kumorkiewicz, Clyde Allen and Mike Serpe. Also present were Tom Shircel, Assistant Administrator; Jean Werbie-Harris, Community Development Director; Dave Smetana, Police Chief; Doug McElmury; Fire & Rescue Chief; Mike Spence, Village Engineer; John Steinbrink Jr., Public Works Director; Carol Willke, HR and Recreation Director and Jane M. Romanowski, Village Clerk. No citizens attended the meeting.

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. MINUTES OF MEETINGS - AUGUST 18, 2014**

Steve Kumorkiewicz:

Move to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde. Any additions, corrections, changes, disagreements?

**KUMORKIEWICZ MOVED TO APPROVE THE MINUTES OF THE AUGUST 18, 2014  
VILLAGE BOARD MEETING AS PRESENTED IN THEIR WRITTEN FORM; SECONDED BY  
ALLEN; MOTION CARRIED 5-0.**

- 5. CITIZEN COMMENTS**

John Steinbrink:

Anybody wishing to speak under citizens' comments? Hearing none I'll close citizens' comments.

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**6. ADMINISTRATOR'S REPORT**

Tom Shircel:

I have nothing this evening, Mr. President.

**7. NEW BUSINESS**

- A. Receive Plan Commission recommendation and consider the Assignment of a Development Agreement originally entered into between the Village and King's Cove, LLC in April 2006 so the development can be completed by Thomas Interests, Inc.**

Michael Serpe:

Should we be taking A through E, Mr. President?

Jean Werbie-Harris:

Yes, please. We can go all the way A through E if you'd like for one presentation.

**SERPE MOVED TO CONSIDER NEW BUSINESS ITEMS A-E IN ONE PRESENTATION BUT WITH SEPARATE ACTION; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

- B. Receive Plan Commission recommendation and consider a Lot Line Adjustment including a revised Grading Plan for Lots 3, 4 and 5 of the King's Cove Subdivision.**
- C. Receive Plan Commission recommendation and consider Final Plat Amendments to the Kings Cove Subdivision related to access restrictions, vacation of 115th Street, amendments to the Dedication and Easement Provisions and Restrictive Covenants on the Final Plat.**
- D. Receive Plan Commission recommendation and consider the First Amendment to the Declaration of Restrictions, Covenants and Easements for the King's Cove Subdivision.**
- E. Consider Resolution #14-26 for the acceptance of a portion of First and Second Phase Public Improvements for the Kings Cove Subdivision.**

Jean Werbie-Harris:

Mr. President and members of the Board and the audience, we have five different items on the agenda this evening related to the King's Cove development. This is a project that's generally located north of 116th Street at 18th Avenue in Pleasant Prairie. The King's Cove Subdivision was platted by King's Cove LLC in 2006. The required subdivision improvements pursuant to

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the development agreement have not yet been completed. And lots 1, 3, 4, 5, 6, 7, 8, 10 and 11 were transferred by a Sheriff's deed to the Bank of Kenosha in 2011.

The Village had been working with the bank for several years related to completing the public improvements for this development and making modifications to the grading of some of the lots as a result of the recent floodplain study done for the Tobin Creek area. The bank received approval on October 15, 2012 by the Village Board to discontinue a portion of 115th Street within the King's Cove Subdivision west of 18th Avenue. It was designated as a public right of way, but this area was never specifically constructed.

In addition, municipal sanitary sewer, water and storm sewer infrastructure were never constructed in the road right of way. And based on the environmental floodplain restrictions of the land within and adjacent to the 115th Street right of way it was unlikely that development could ever occur to the west. So for that reason that segment of 115th Street as shown, it's a little light, on the slide that area has been vacated.

So at this time lots 1, 3, 4, 5, 6, 7, 8, 10 and 11 of the King's Cove Subdivision have been purchased by Thomas Interests, Inc., who is intending to complete the remaining public improvements and make some modifications to the grading of the lots as a result of this floodplain study. In addition, 115th Street since it was vacated half of the street went towards Lot 3 and half towards Lot 4, and we'll be discussing that as well.

The completion of both private and public improvements and modifications requested require the Village's approval of an assignment of development agreement, amendments to the final plat, amendments to the declaration of restrictions, covenants and easements, a lot line adjustment and a revised grading plan for lots 3, 4 and 5 of the King's Cove Subdivision.

With respect to the assignment of development agreement the attached assignment that you have copies of need to be finalized and executed prior to commencing any improvements on the lot. The new owner which is Thomas Interests and the developer for King's Cove Subdivision will be financially responsible to complete the outstanding improvements for the subdivision. Cash on deposit or a letter of credit, a supplemental one, will be provided to the Village to secure that those improvements will be completed. Again, there's a portion of cash that's on deposit with the Village, but it's not enough to complete the development. So for that reason we do need supplemental funds to be provided by Thomas Interests.

Some of the improvements pursuant to the development agreement that are included in the assignment to be completed include the final lift of asphalt on the public road which includes the removal and repair of some curb and gutter and asphalt, interim inlet adjustment, base patching, adjusting manholes and installing chimney seals, adjusting water valves, milling the existing curb line and the asphalt ramp, installing street trees, abandoning and capping sewer and water stubs for that area that we vacated, televising and lot certifications.

With respect to the revised grading plan and the lot line adjustment this is an area that -- I'll skip ahead on this -- the lot line adjustment, again, affects lots 3 and 4. There will be 20,551 square

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feet with 157 feet of frontage. Lot 5 is 19,548 with 142.81 feet of frontage. Again, we're just doing some slight adjustments of the lot as a result of that vacation.

And as part of that vacation we also need to do some revised grading. The revised grading plan as prepared by Nielsen, Madsen and Barber shows that we are doing some grading on these lots that are on the west side of 18th Avenue to make sure that none of these lots are impacted by the 100 year floodplain. Again, the very rear of their property that's located within a future easement area or an easement as part of the amended plat will be where that floodplain is contained. We wanted to make sure that all of these lots along this west side continue to be buildable.

With respect to the final plat amendments, again by adjusting these lots, by adjusting some of the grading and by adjusting some of the things with respect to the vacation we did need to amend the final plat. And as a part of amending the final plat what we needed to do is correct some of the dedication and easement language on that plat and to correct some language with respect to the sizes of lots and obligations. So we've made those changes as well.

One other area that we've talked about, and again this was all presented before the Plan Commission as part of a public hearing, is that we needed to do some modifications to the declaration of restrictions, covenants and easements. And, again, this had to do with new easements being identified, some declarations being amended. We adjusted some of the minimum home sizes a little bit. And we just made it so that all of the declarations were consistent with respect to what was contained on the final plat.

So all of these documents are before you. We have gone through everything with the new developer, Mr. Thomas, and he's here in the audience if you have any questions. Again, the intent is this is a subdivision that kind of went defunct, and after the recession and this developer and builder has picked up this development, and is willing to continue and complete the process to get the remaining lots constructed in this particular subdivision. If there are any questions I'd be happy to answer them. If not the developer is in the audience.

The resolution is also before you. Just to clarify the purpose of that, the resolution is a document that typically when a phase or a classification of improvements have been completed, for example phase 1, phase 2, we typically adopt a resolution accepting those public improvements. So this resolution is a little bit longer because it says we are accepting all the phase 1 which is the underground improvements and the phase 2 which is that gravel road and then that first lift of asphalt but with some exceptions based on the base patching and the curb and gutter repair that need to be done and some of the stubs that need to be abandoned for the sewer and the water, things like that. So we are looking also to accept phase 1, phase 2 for King's Cove based on the comments and the information within the resolution.

Michael Serpe:

Jean, it's been a while since we discussed this, but the gentleman that lives on the corner on 116th, and he's just west I think of this development --

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Jean Werbie-Harris:

Okay, there's an existing house right here that Quinton Ackerman renovated, and then there's another gentleman who lives right here. Is that the one we're talking about?

Michael Serpe:

Yeah. There was concern the last time we talked about this. Has that all been resolved?

Jean Werbie-Harris:

Sure. And one of the primary concerns he had was what was going to happen with the extension of 115th Street. And since the floodplain study came out and there just seems to be a lot of floodplain in this particular area, his concern is that he's likely never going to develop. Well, now because of the existence of the 100 year floodplain he probably won't be developing back there, and so this road has obviously been abandoned by the Village Board. And then that land has been attached on either side. That was his primary concern as to how that would impact him from a grading and drainage and future development standpoint, and now it's no longer an issue.

Michael Serpe:

Okay, is that gentleman still living there?

Jean Werbie-Harris:

To the best of my knowledge. I mean I have not contacted him since the Plan Commission meeting when we sent notification and no one attended the public hearing.

Steve Kumorkiewicz:

One question. Jean, in 15th Avenue in the west side about half way is a problem with the gutter. That's going to be repaired because it's low. And when you go buy over there if you're not careful --

Jean Werbie-Harris:

15th Street?

Steve Kumorkiewicz:

15th Avenue.

Jean Werbie-Harris:

Because the Village engineers have gone out and have marked the pavement as well as the curb and gutter for those areas that we know need to be repaired. When it's time for that final lift of

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asphalt they will go out again. But I'm sure those areas have been identified, and maybe Mike Spence would like to add to that.

Mike Spence:

Right. That's the type of thing that we would address when they do the final paving. We go out there and we look at the condition of the curbs, the condition of the asphalt, and we televise the storm sewer. So all that would be taken care of at the time of the final surface layer of asphalt.

Steve Kumorkiewicz:

Okay, thank you.

Jean Werbie-Harris:

So the staff would recommend approval of all five items on the agenda subject to all the comments and conditions as outlined in the staff memorandum, the assignment as well as the resolution.

John Steinbrink:

Clyde?

Clyde Allen:

Thank you. Mr. Thomas, just I want to make sure that you are aware of all the changes and all the agreements and you agree to all of them.

John Steinbrink:

Just give us your name and address for the record.

Gary Thomas:

My name is Gary Thomas; I'm secretary/treasurer of Thomas Interests, Inc. My brother is the president, Terrence Thomas. We bought this property from the FDIC in December and have been working with Jean ever since on the requirements to complete this subdivision. And we've gone through them all. She's given me that good faith estimate of all these things that still need to be done. We have a contract with Wanasek to cap the sewer and water that used to be stubbed out in 115th. So as soon as this is approved we'll get them started on getting the capping of that done.

The remainder to my understanding is complete when 75 percent of the homes are built in the subdivision. So I'll be building six homes sooner rather than later, and we'll get the rest of this stuff taken care of, the curb and gutter patched and the street trees planted and so on.

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Clyde Allen:

Thank you.

John Steinbrink:

Any other questions or comments?

Michael Serpe:

John, I'd move approval of assignment of a development agreement.

Clyde Allen:

Second.

John Steinbrink:

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

**SERPE MOVED TO CONCUR WITH THE PLAN COMMISSION  
RECOMMENDATION AND APPROVE THE ASSIGNMENT OF A DEVELOPMENT  
AGREEMENT ORIGINALLY ENTERED INTO BETWEEN THE VILLAGE AND KING'S  
COVE, LLC IN APRIL 2006 SO THE DEVELOPMENT CAN BE COMPLETED BY THOMAS  
INTERESTS, INC.; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

Clyde Allen:

Make a motion to approve the lot line adjustment.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike for approval of the lot line adjustments of lots 3, 4 and 5 in the King's Cove Subdivision. Jean, when that line is moved is that going to make those lots more equal then? Because right now you look at if it's divided equally between the two lots it makes the bigger lots even bigger and doesn't really address the smaller lots.

Jean Werbie-Harris:

Right, 3 and 4 they each received an additional 33 feet. So those are the two that have gotten wider.

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Gary Thomas:

Actually they [inaudible] all three.

Jean Werbie-Harris:

Lot 5, that's correct. We adjusted all 3, that's correct.

Gary Thomas:

They gave 3 I think a third, they gave two thirds to 4, and then some of 4 went to 5 so they're real similar in size.

Jean Werbie-Harris:

Right, but the lots across the street are the original size.

John Steinbrink:

And all the sewer laterals still line up close enough?

Jean Werbie-Harris:

Yes, we just have to deal with the abandonment of the two.

John Steinbrink:

We have a motion, we have a second. Any further discussion?

**ALLEN MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE A LOT LINE ADJUSTMENT INCLUDING A REVISED GRADING PLAN FOR LOTS 3, 4 AND 5 OF THE KING'S COVE SUBDIVISION; SECONDED BY SERPE; MOTION CARRIED 5-0.**

Kris Keckler:

Move to accept final plat amendments as outlined.

Steve Kumorkiewicz:

Second.

John Steinbrink:

Motion by Kris, second by Steve. Any discussion on Item C?

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**KECKLER MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE FINAL PLAT AMENDMENTS TO THE KINGS COVE SUBDIVISION RELATED TO ACCESS RESTRICTIONS, VACATION OF 115TH STREET, AMENDMENTS TO THE DEDICATION AND EASEMENT PROVISIONS AND RESTRICTIVE COVENANTS ON THE FINAL PLAT; SECONDED BY KUMORKIEWICZ; MOTION CARRIED 5-0.**

John Steinbrink:

That brings us to Item D.

Steve Kumorkiewicz:

Move to approve.

Kris Keckler:

Second.

John Steinbrink:

Motion by Steve, second by Kris for approval of Item D. Any discussion?

**KUMORKIEWICZ MOVED TO CONCUR WITH THE PLAN COMMISSION RECOMMENDATION AND APPROVE THE FIRST AMENDMENT TO THE DECLARATION OF RESTRICTIONS, COVENANTS AND EASEMENTS FOR THE KING'S COVE SUBDIVISION; SECONDED BY KECKLER; MOTION CARRIED 5-0/**

John Steinbrink:

Item E, Resolution 14-26.

Clyde Allen:

Motion to approve Resolution 14-26.

Michael Serpe:

Second.

John Steinbrink:

Motion by Clyde, second by Mike for adoption of Resolution 14-26. Any discussion on this item?

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**ALLEN MOVED TO ADOPT RESOLUTION #14-26 FOR THE ACCEPTANCE OF A PORTION OF FIRST AND SECOND PHASE PUBLIC IMPROVEMENTS FOR THE KINGS COVE SUBDIVISION; SECONDED BY SERPE; MOTION CARRIED 3-0.**

Michael Serpe:

Can I ask a question? Jean, this is the first subdivision that has come forward in quite some time. And is it safe to say we're running out of lots a little bit. Do we have more coming forward in the near future hopefully?

Jean Werbie-Harris:

I have two very small additions to existing subdivision, but not any brand new subdivisions. So I have some additions to two that I'm working with right now. One that would probably bring about 29 lots and one that would bring 7, that's it.

**F. Consider appointment of an alternate member to the Plan Commission.**

Tom Shircel:

Thank you, Mr. President, and Village Trustees. Before you tonight for consideration is an appointment to the Plan Commission. It's for Alternate #2. Earlier this year Andrea Rode had resigned, and she's relocating to another state. So it's recommended that Ms. Debra Skarda be appointed as Alternate #2, and her term would last until May 1, 2015.

Steve Kumorkiewicz:

Move to approve.

Michael Serpe:

I'll second that.

John Steinbrink:

Motion by Steve, second by Mike. Any discussion on the item? Ms. Skarda is going to be a good fit to the Planning Commission. Very knowledgeable about the Village, and we interviewed her earlier for positions, and she's going to be a big asset to the community.

**KUMORKIEWICZ MOVED TO APPROVE THE APPOINTMENT OF DEBRA SKARDA AS AN ALTERNATE MEMBER TO THE PLAN COMMISSION TO FULFILL THE TERM OF ANDREA RODE TO MAY 1, 2015; SECONDED BY SERPE; MOTION CARRIED 5-0.**

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**G. Consider Operator License Applications on file.**

Jane Romanowski:

There's three applications tonight, and I would recommend approval of all three. They meet the qualifications by ordinance.

Steve Kumorkiewicz:

Move to approve.

Clyde Allen:

Second.

John Steinbrink:

Motion by Steve, second by Clyde for adoption or approval. Any discussion on the three applications?

Kris Keckler:

I just had one clarification question on the last page of the application. Jane, there's a memo regarding the John Melcher application, or a notice that it was ended but continued. I'm sorry, Vesna wrote it. It's just that it was re-approved, but it was just a notice that it had expired. Do you know what I'm talking about?

Jane Romanowski:

No, I don't have it with me. It's on my desk. What was her note exactly?

Kris Keckler:

The Village issued John Melcher an operator's license which expired June 30th, and if you have questions. I remember approving this. I just didn't know if it overlapped in the time line or if there is an issue with the license.

Jane Romanowski:

Chances are he didn't renew and so she just did a little memo to that effect. I think I remember seeing that going through it, but I left that information on my desk. Sorry about that.

Kris Keckler:

That's alright, it was just part of the packet and I was just looking for clarification.

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Jane Romanowski:

I remember seeing the note now. So she was just making sure you knew that everything was on the up and up on that one.

Kris Keckler:

Okay, thanks.

John Steinbrink:

We have a motion and a second.

**KUMORKIEWICZ MOVED TO APPROVE THE OPERATOR LICENSES FOR GISELLA CARACCILO; NICHOLAS MARCHAL AND MICHELLE WALKER; SECONDED BY ALLEN; MOTION CARRIED 5-0.**

**8. VILLAGE BOARD COMMENTS – None.**

**9. ADJOURNMENT**

**SERPE MOVED TO ADJOURN THE MEETING; SECONDED BY ALLEN; MOTION CARRIED 5-0 AND MEETING ADJOURNED AT 6:25 P.M.**