

COMMITTEE OF THE WHOLE MEETING MINUTES
MAY 5, 2014 - Immediately Following the
Special Board Meeting @ 7:00pm
VILLAGE HALL

*transcribed from wave file by L Ryan/K Richardson**

CALL TO ORDER@7:12pm/IN ATTENDANCE: Andres, Bower, Fitzgerald, Knoll, Skinner. Connolly, Karow absent. Village Administrator Jennifer Pollitt, Clerk/Treasurer Kathleen Richardson and Attorney Dan O'Callaghan also present.

PUBLIC COMMENTS AND QUESTIONS: Ron Rylatt, 112 Richter Court - asked about resurfacing Basset Street Richter Court and Pawley Avenue due to the trucks and equipment for the Residence on Main construction project. The streets are very bad and drainage is worse. Skinner stated he went over the project with the Village Engineer, and the streets were not good to begin with, however, the damage that was caused during construction has been repaired. Pollitt stated every other year the Village is required to submit ratings on Village roads to the State based on a ten point system. This then creates the list of the roads by condition which is what is used to determine which are resurfaced. This past year, the Village did three years' worth of street resurfacing to save money. The Village will now be reviewing those ratings when creating the new 5 year resurfacing plan. Skinner asked if the neighborhood has had any further thoughts regarding the closing of the thoroughfare through the neighborhood. Rylatt stated he would not be opposed to that. Fitzgerald stated one of the plans was to be able to only exit the subdivision on Basset Road but not enter. Skinner thought the best method would be a one-way from the laundromat going west, and circulate the traffic back to Burden Road to a 4 way stop sign. Skinner suggested talking with others in the subdivision as well. Rylatt stated the landscape company left pieces of conduit so people would not cut the corners, and asked if the Village would remove those and provide the "penguins" for the road right-of-way at the corner of Basset Road and Richter Court. Skinner stated he would talk with Public Works.

PRESIDENT AND TRUSTEE REPORTS

TRUSTEE SHARON BOWER- ADMINISTRATION, FINANCE, JUDICIARY, LICENSING

(i) *Motion to approve Operator's Licenses for the following individual subject to schooling and Police Department review in accordance with Village Code: Kristi Peters (New License).* Richardson confirmed no issues with this applicant.

(ii) *Consideration of approving Developer's Agreement with SR Mills regarding land on Lake Avenue and Main Street as required by the 2008 Developer's Agreement.* Pollitt stated SR Mills approached the Village regarding the fulfillment of their obligations in the 2008 developer's agreement. Initially, the Developer's Agreement with Mills stated that if development occurred on the Village owned property at the corner of N. Lake and Main Street, within a three year period of the signing of the agreement, then the Village would deed over the land to Mills. An amendment was later approved, allowing Mills to develop any parcel on the block – Village or developer owned, within the time frame to be awarded the Village parcel. Skinner stated from Residences on Main (ROM) east to the corner is owned by the Village. The agreement was for the Village to give this property to Mills for economic development once their obligation was met. Pollitt stated her goal here is to create a developers agreement for the transfer of the land. Once they are ready to develop it, another developer's agreement will be created in regards to the proposed development. A clause was added to the new agreement securing a section of the Village owned parcel to be maintained under Village ownership for purposes of the public park. This was the intent but was not explicitly written in the 2008 agreement.

Andres asked the advantages to the Village by giving the property to Mills instead of selling it to him. Skinner stated that it was the land contribution incentive through the TIF District. O'Callaghan stated that economic development is very competitive. To attract new development to Twin Lakes the TIF district depends on growth in the tax base. The original agreement with Mills was if the Village would contribute the land, the developer would then build which would increase the tax base and tax revenue, which in turn would pay for the improvements within the TIF District. Ultimately the TIF would be retired, and the increased tax base would then flow to the general fund. This takes time and there is risk involved. Mills' original commercial plan changed and ROM was built with the Village's original contribution of land for future development remaining in the agreement. Mills has now approached the Village wanting the deed to the land so he could begin marketing it for development. O'Callaghan continued that Pollitt wisely told Mills that due to the many changes to the original developer's agreement due to the market conditions, the Village would be uncomfortable turning over the deed to the property without knowing what type and when the development would be coming. This new agreement has conditions including how the park is dedicated, Village review of future development plans, and ultimately if the property is not developed the Village has the right to reacquire it in 8 years.

Fitzgerald stated when this parcel is turned over to Mills he will begin paying taxes on it which will add to the tax base. Skinner questioned if the Village has use of the property until it is developed (parking lot). Pollitt stated within 60 days after the developers agreement is approved, the Village must vacate the land. Skinner then questioned if Mills would be required to provide sufficient parking to replace that municipal parking lot, and if not it should be in the agreement.

Fitzgerald questioned the 8 year timeline for reacquiring the property back if it is not developed.

O'Callaghan stated the original developers agreement had a 3 year commitment which was met by Mills who then stated he wanted this land unconditionally because he had already satisfied the original obligations. O'Callaghan stated Mills has no incentive to sit on the property, and needs control of the property in order to market it. Skinner wants it pushed back to 5 years.

Andres asked if the Village has other property to relocate the Chamber building to. Pollitt stated that is an option for the Board to consider, but also reminded that Mills has the entire commercial space in ROM open and perhaps the Chamber could relocate there. Skinner felt it was part of the agreement with the Chamber that if that parcel was developed the Village would move their building to the east side of S Lake Street. That was a large concern of the Chamber at that time but may not be any longer.

Skinner stated he will not approve any agreement until outstanding punch list items at ROM are completed and Mills has met with his property owners to settle any concerns.

(iii) *Consideration of approving Ordinance 2015-5-1 creating Chapter 5.49 of the Municipal Code pertaining to Business Licenses.* Pollitt explained this new ordinance would serve not only as a tool to help the Village collect Personal Property taxes but would give us and the fire inspectors a good record of the businesses in the Village. The Board expressed concern that this was too 'big brother'. O'Callaghan stated he is familiar with this concept as many municipalities have this ordinance in place not only to gain the list of businesses in town but also to be sure that the ordinances are followed by all. State law limits the fee to be reasonable to the service provided – which is why it is usually a very nominal fee (\$5 -\$25). This also establishes good emergency contacts for the businesses. The Board has the ultimate decision if they want to initiate this policy. Fitzgerald explained his concern with the home based businesses. O'Callaghan explained the ordinance could set thresholds – sales, employees, customers to the site, equipment, etc. Consensus was to establish thresholds for the home based businesses.

(iv) *Consideration of a motion to approve issuing a Fireworks License to Richter's Marketplace.* Richardson stated that the Chief had given his preliminary approval for this license and would inspect stock once received at Richter's. Sales of these novelties will occur inside of the building only.

(v) *Consideration of Resolution R2014-5-2 designating a public depository.* Richardson stated this is an annual resolution designating where the Village's monies are deposited.

(vi) *Annual liquor-related licensing activities are under way and the Village Board will be asked to consider the initial approvals at the Regular Board meeting.*

(vii) *Other- None*

TRUSTEE TOM CONNOLLY - STREETS & ROADS, EQUIPMENT, STREET LIGHTS, WEEDS, LAKE PLANNING AND PROTECTION

(i) *Consideration of Resolution R2014-5-3 to declare certain items of Village property as surplus and authorizing its disposal (Light Bar, telephones)*

(ii) *Other- None*

TRUSTEE KEVIN FITZGERALD - CEMETERY, SANITATION, RECYCLING, SENIORS

(i) *Other – None*

TRUSTEE AARON KAROW - BUILDING AND ZONING, PLAN COMMISSION, AND PUBLIC BUILDINGS -

Read by President Skinner

(i) *Consideration of actions to approve Ordinance 2014-5-2 amending Section 2.78 of the Village Code of Ordinances relating to withholding building permits due to public improvements needed.* Pollitt stated upon further review this ordinance would be placed into Chapter 14.12.115. Pollitt recapped last month's discussion which determined that the Village does not want to withhold building permits until subdivisions are 100% complete. Common practice is to have just the first binder layer of pavement down for the subdivision roads until a majority of the development is complete, in an effort to save the life of the roads. The prior ordinance language required all public improvements to be finished before building permits would be issued. The new draft language addresses that concern.

O'Callaghan stated this ordinance is modeled after language that is in a number of municipal building codes throughout the state; many of those codes simply reference completion of all required improvements. Twin Lakes wanted more flexibility realizing that all new subdivisions require developer's agreement under Chapter 16, so long as all lots are laid out and have access, an approved developer's agreement and the sub-divider is not in default, then building permits can be issued. This gives the Village the flexibility to put the conditions in the developers agreement more tailored to each subdivision.

Fitzgerald questioned what happens when an owner of a parcel purchased from the developer comes to the Village for a permit. Skinner stated if the improvements have not been made, and there is not a developer's agreement in place, then they are unable to get a building permit. Fitzgerald asked what the remedy is at this point.

O'Callaghan stated since the original developer is gone and the subdivision is half completed, by creating a new developers agreement or amend what is in place, the Village could complete infrastructure and charge out as special assessments.

Fitzgerald questioned if you could create smaller developer agreements with those that come in for permits. O'Callaghan stated he felt you could. Skinner felt this verbiage would be good protection for the Village for the future.

(ii) *Discussion regarding requested participation in a business park feasibility study in collaboration with Kenosha Area Business Alliance (KABA) in an amount not to exceed \$3,000.* Heather Wessling, KABA, was present and spoke to the Board regarding a desire to work together on a study of opportunities for business and economic development in the Twin Lakes area. There have been billions of dollars of new investments, 3,000 to 5,000 new jobs, and the unemployment rate has gone down about 2 points due to new companies that have come to Kenosha County. Over 2.5 million square feet of space has been invested for new developments with a large part of that development occurring in Village of Pleasant Prairie and City of Kenosha. Many companies in Illinois are looking to make their way into Wisconsin. Wessling has been looking at what kind of opportunities are available and has met with 85 companies to discuss those opportunities. Companies are evaluated in terms of their stability, and the likelihood of them moving to another community. In Twin Lakes, Allied Plastics is a large industrial company with growth potential. KABA has talked about the creating business parks in order to retain companies and also to create opportunities for the supply chain those companies depend on. For example related to Allied Plastics some of those companies would be: sheet extrusion, metal fabrication, metal distributors, injection molding, and cardboard distributors.

Wessling had wanted to see if the Village had a planned development area that would be a good place for new employment opportunities or for new industry that could support companies like Allied Plastics and Five Star. KABA and the Village looked at a 110 acre property that already had a business park study done in 1990's. It is a suitable parcel that is able to be divided into different parcel sizes which is attractive to industrial customers. Skinner asked how KABA would go about acquiring this property. Wessling said the parcel just changed hands so KABA would work with a civil engineering firm and a financial advisor for Twin Lakes to determine what the cost would be for acquisition of this land. KABA would then attempt to purchase the property, and become the developer. KABA is looking at planning and working with the Village to bring the proper infrastructure onto a site to make it developable land. KABA is a non-profit organization that is tasked with encouraging economic development in all of Kenosha County. Wessling said other parcels of land may also be considered. KABA is very happy that Amazon, Kettle Manufacturing and Meijer Foods are coming to the Kenosha area. However, this is making the land prices very high in those areas.

Wessling continued there are a lot of factors when choosing an area for development, and some guidelines as to what the Village would want. KABA is well capitalized with \$30 million in assets of which half is liquid. The first step of the process is to have a professional analysis done of chosen sites. If the Village chooses to move forward and partner with KABA, they would meet with a couple of the land owners along with members of the Village Board. Wessling proposed that KABA fund 50% of the professional analysis of the 5 sites. She is asking each community to pay an equal portion of the remaining balance needed to fund the analysis. This would amount to no more than \$3,000 per municipality.

Bower questioned why KABA doesn't go ahead with the analysis and present it to the Board. Wessling stated a relationship and sharing of the investment in the community should be the goal here. Allied Plastics is a growing company that the Village should want to keep in Twin Lakes. Andres questioned the different sites in western Kenosha County – would municipalities all be able to partner with KABA or will only one be chosen. Wessling stated they are looking at a couple of sites in western Kenosha County in order to diversify the risks. 96% of all industrial park land is filled and this is a prime time to look into this. Wessling stated she has looked in 7 communities, 11 sites total, and is interested in 5 of those sites. One of those is this 110 acre site in Twin Lakes.

Fitzgerald questioned what size parcels would be considered. Wessling stated the guideline is 50 – 200 acres with 100 developable acres being best as 10 – 15 businesses can locate there. Allied Plastics has told Wessling that they would be interested in locating in a business park and also referenced three other businesses that would be as well.

Skinner stated it is important for the Board members who are not here tonight to be made aware of this. Pollitt stated she will talk with them. Fitzgerald felt this was a very good idea for the Village.

(iii) *Discussion regarding Building Inspector contract renewal.* The annual contract with Lee Greivell will be expiring on June 30, 2014. Pollitt has been speaking with area municipalities to consider the idea of sharing services with hopes of keeping more of the revenues and limiting the cost of a full time employee. Bristol and Salem have been contacted and have indicated interest. Skinner expressed concern with the new fee schedule and complaints he has received in regards to the high costs which will lead some to not take out building permits at all.

(iv) *Other- None*

TRUSTEE JEREMY KNOLL - POLICE, FIRE, LAKE CONTROL, PARKS AND BEACHES Read by President Skinner

(i) *Consideration of actions to approve issuance of Raft, Pier and Buoy permits for the 2014 season in accordance with the Village Code subject to Police Department review.*

(ii) *Consideration of amending the Powers and Duties of the Park Commission.* Pollitt recapped the discussion at last month's Board meeting regarding the Park Commission. Board had requested the Park Commission to review their roles and responsibilities and provide ideas but their meeting was cancelled. Pollitt explained the ordinance stated Park Commission handles park acquisition, park development, and park dedication fees/transactions. There is no financial authority given in the ordinance. Pollitt stated we should clarify the language in the ordinance regarding their duties. Another thought brought up was to review their monthly meeting schedule. Fitzgerald feels they are more advisory than management but can understand why they may feel differently when reading the ordinance. Skinner pointed out the ordinance does say the

Village Board prevails. Bower reminded the Board approves all expenditures before the Park Commission even sees the bills. Fitzgerald pointed out that this ordinance hasn't been amended since 1960 so perhaps this wording was related to the time when the land was given to the Village for Lance Park. Pollitt reviewed other municipal ordinances for the Park Commissions and saw different levels of oversight given to this committee. In Twin Lakes there is the general fund with Public Works Parks budget which is an estimate of how much time they spend on the parks along with specific capital outlay needs; also there is a separate fund for the Park Dedication fees. Parameters need to be put in place for these funds. Andres questioned the Board's fiduciary responsibility. Pollitt explained the Village Board sets the budget; the department heads can spend up to \$1,500; the Administrator has up to \$5,000; above that needs to be approved by the Village Board. Consensus of the Board: clarify the ordinance for Park Commission with regards to the spending limit, whether they are advisory or management, reduction of meetings and the Public Works Foreman is not required to attend.

(iii) *Consideration of accepting 30 day notice from Brian Gates for removal of the bait machine at Lance Park due to unavailable parts for repair of the machine.* Gates has approached the Village as he wants to remove the machine immediately if that is allowed by the Board. Bower saw another option for bait and will bring in information.

(iv) *Movies in the Park begin for the season on Friday, May 23 with a showing of the animated feature ALPHA AND OMEGA 2, beginning around 8:00pm at the Lance Park amphitheater.* Pollitt stated that both Barb and Tom Calkins have left the Park Commission. It is on the Park Commission's agenda for tomorrow to discuss the replacement of Tom Calkins as the Movies in the Park coordinator.

(v) *Other- None*

TRUSTEE BARB ANDRES - SEWER, HEALTH AND ENVIRONMENT, YOUTH, LIBRARY

Other - None

VILLAGE PRESIDENT HOWARD SKINNER

(i) *Consideration of accepting resignations from various Board and Commission members:*

Barb Calkins- Park Commission

Peggy Anderson- Alternate Election Inspector

Ethel Garrett- Alternate Election Inspector

(ii) *Other – None*

Motion by Skinner, Bower, carried to adjourn at 9:30pm.

Signed copy Available at the Village Hall

Kathleen Richardson, CMC

Village Clerk/Treasurer

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VILLAGE PRESIDENT

BOARD OF TRUSTEES

ATTORNEY