

Village of Sturtevant  
Proceedings from the Regular Board Meeting February 17, 2009

President Steven Jansen called the meeting to order at 6:00 PM with the Pledge of Allegiance. Present were Trustees Wright, Lynaugh, J. Johnson, Klinkosh, G. Johnson, Busha, and President Jansen. Also present was Public Works Supervisor Stachowski, Engineer Tim Hastings, and Administrator Janiuk.

President Jansen mentioned that village resident, James Kortendick, passed away on February 16, 2009. President Jansen recognized Mr. Kortendick's years of service to the Village of Sturtevant.

**DISCUSSION OF ADDITIONAL COST SHARING / ADDITIONAL TID FUNDS FOR THE ENTERPRISE DRIVE EXTENSION PROJECT**

Administrator Janiuk talked about the cost overrun for the Prologis / Johnson Farm Project. Administrator Janiuk mentioned that the original agreement called for TID money to be used pay for roads and improvements on land within the TID and for MLG Development to initially cover construction costs for the portions of this project outside of the TID with the understanding that the Village of Sturtevant would, over time, repay a portion of the monies back to MLG Development.

Andy Bruce, MLG Development, mentioned that the cost overrun for the project was around \$220,000. Andy Bruce talked about the reasons for the cost overrun which includes the movement of the ponds, creation of walking paths, and increase in paving costs.

Administrator Janiuk informed the Board that the actual project cost was over the original agreement of the costs not to exceed \$1,232,000. The request is for the Village of Sturtevant to amend the Development Agreement to allow for payment of the increased TID related costs. The Village of Sturtevant would repay MLG for a portion of the infrastructure costs at 75% of the Village increment instead of 100%.

**CONSIDERATION OF THE LEASE AGREEMENT BETWEEN THE VILLAGE OF STURTEVANT AND THE RAILROAD CLUB/ CONSIDERATION OF DEPOT TRAIN MUSEUM LOCATION AND IMPROVEMENT**

Administrator Janiuk referenced his Train Museum Report. Report on file with Clerk.

Trustee Lynaugh discussed the advantages and disadvantages of utilizing one of the following locations, the Sturtevant Depot, Village Hall, Fireman's Park, BMX Hill, or the current location as a the future location of the Train Museum.

Richard Horton, 3409 S. Kennedy Drive, Member of the Western Union Junction Railroad Club, thanked the village for supporting the Train Museum and the Western Union Junction Railroad Club.

Chuck Snyder, 1641 Wisconsin Street, Unit # 45, Member of the Western Union Junction Railroad Club, mentioned that he has drafted a letter to the President of CP Rail petitioning CP Rail to waive the lease become a co-sponsor of the Sturtevant Train Museum.

The general consensus of the Village Board is to send the letter, written Charles Snyder, to CP Rail.

MINUTES- Trustee Wright made a motion to accept the Minutes from the Board Meeting that took place on February 3, 2009. Seconded by J. Johnson. Motion carried by voice vote.

CORRESPONDANCE – Clerk Hanstad informed the Board that a letter was received from Racine Water Utility in regard to the Cost of Service Study that was conducted for a project at 15<sup>th</sup> Street and Lathrop Avenue, in the City of Racine, due to flooding issues during past rainfalls. The study indicated that the entire cost of the project should be paid by the City of Racine and not shared between the surrounding municipalities since the City of Racine would be the only community

impacted by the project. The Racine Water Utility is requesting each municipality to approve or disapprove this agreement within 40 days from February 3, 2009. Communication on file with Clerk. Clerk Hanstad mentioned that the Village of Sturtevant received a communication from Racine Unified School District inviting all elected officials to a session on student achievement and school safety at 2220 Northwestern Avenue on Wednesday, March 4, 2009 from 5:00-7:00 PM. Communication on file with Clerk.

## COMMITTEE REPORTS

**FINANCE & BUDGETARY-** Trustee Lynaugh presented minutes from the February 10, 2009 Committee Meeting. Committee reviewed checks for payment. Administrator Janiuk gave the Committee the Village Financial Update / Possible Layoffs and Other Cost Savings in 2009. Committee also discussed the Amtrak Lawsuit Expenses and Items to Discuss with Senator Lehman. Committee decided to hold over discussion of the Land for the Railroad Museum. Minutes on file with Clerk.

**ADMINISTRATION, PERSONNAL, AND LEGAL-**Trustee J. Johnson reviewed minutes from the Committee Meeting that took place on February 10, 2009. Committee discussed adding an additional Bank Signer for Village Accounts. A Resolution will go in front of the Board this evening. Committee decided to hold over discussion of the Licenses for the Mobil Station and Goals for the Village Administrator. Minutes on file with Clerk.

**STORM WATER & WASTEWATER-** Trustee Wright reviewed Minutes taken at the February 10, 2009 Committee Meeting. Committee discussed joining a Local Government Storm Water Group. A Resolution approving the payment of the \$100 will go in front of the Board this evening. Also discussed was the Downspout Discharge into Sump Pump Discharge Pipes. Minutes on file with Clerk.

**PUBLIC SAFETY & HEALTH-** Trustee Klinkosh went over items discussed at the February 10, 2009 Committee Meeting. Committee discussed the Municipal Bond Schedule. A Resolution approving the new Bond Schedule will go in front of the Board tonight.

**COMMUNITY EVENTS, BEAUTIFICATION & CULTURAL-** Trustee Busha presented Minutes from the Committee Meeting that was held on February 10, 2009. Committee discussed Sturtevant Youth Baseball. The Committee discussed the July 3<sup>rd</sup> Fireworks Event. Discussion of Resolution 2009-06, A Resolution by the Community Events, Beautification, and Cultural Committee Authorizing Entering into an Agreement with Bartolotta Fireworks Company, Inc. in the Amount of \$13,500 for the 2009 Fireworks, will stay at Committee. Also discussed was Sturtevant Youth Baseball. Committee decided to hold over discussion of the Racine Belles / Baseball Diamond Rental Fees. Minutes on file with Clerk.

Trustee Busha mentioned that the Fireworks Committee will be meeting held at 6:30 PM on February 25, 2009 to discuss the 2009 Fireworks.

Trustee Lynaugh mentioned that the Board can wait to sign the Bartolotta Fireworks Agreement until June 2009.

**PUBLIC WORKS & CAPITAL IMPROVEMENTS-** Trustee G. Johnson went over minutes from the February 10, 2009 Committee Meeting. Committee discussed the Broadway Drive Reconstruction Project / Special Assessments and South Kennedy and Buckingham Road / Drive Project / Storm Sewer Assessments. Resolutions to approve the assessments for both of these projects will go in front of the Board this evening. Also discussed was Appraisal and Offer Approval for the Properties Along Broadway Drive Owned by the Racine Water Utility, Neumann Homes, Mark Coey, Robert & Jack Hugasian (3 parcels), Schatzman Family Trust, and Calvary Baptist Church. A Resolution will be presented to the Board this evening. Minutes on file with Clerk.

ECONOMIC DEVELOPMENT AND REDEVELOPMENT- Trustee G. Johnson reviewed minutes from the February 10, 2009 Committee Meeting. Committee discussed the Southeastern Wisconsin Regional Transit Authority (RTA). A Resolution opposing the RTA will go in front of the Board this evening. Committee discussed the Cost Sharing for the Enterprise Drive Project. A Resolution will go in front of the Board tonight. There was no update on the Cobble Court Status. Minutes on file with Clerk.

PLANNING COMMISSION- Based on the recommendation of the Planning Commission, Trustee G. Johnson moved to grant a conditional use permit to La Iguana Loca, 8020 Durand Avenue, Unit G, pursuant to the terms and conditions that were passed out in regard to this applicant which terms and conditions are to be incorporated into these minutes. Seconded by Trustee Klinkosh.

Based on the recommendation of the Planning Commission, Trustee G. Johnson moved to grant of ownership and a conditional use permit to SPH Real Estate, d/b/a Sturtevant Mobil, 8920 Durand Avenue, pursuant to the terms and conditions that were passed out in regard to this applicant which terms and conditions are to be incorporated into these minutes. Seconded by Klinkosh

ENGINEER- Engineer Hasting presented his Report. Report on file with Clerk.

Engineer Hastings mentioned that he would like to discuss the 2009 Paving Project as well as authorization to bid these projects at the February 24, 2009 Committee Meeting.

REPORT FROM DIRECTOR OF PUBLIC SAFETY –Director of Public Safety Marschke not present. Report on file with Clerk.

REPORT FROM PUBLIC WORKS DIRECTOR- Public Works Supervisor Stachowski presented his report. Report on file with Clerk.

Public Works Supervisor Stachowski mentioned that he is in the process of setting up a meeting with the South Shore Fire Department to introduce the Department of Public Works staff to the Firefighters.

REPORT FROM ADMINISTRATOR- Administrator Janiuk stated that he has supplied the Board with a copy of his Monthly Administrator Report. Report on file with the Clerk.

Administrator Janiuk referenced several e-mails that he sent to the Board. Administrator Janiuk talked about the e-mail regarding the Racine Water Utility's application for a water rate increase. Administrator Janiuk mentioned the e-mail about the viewing of the Public Liability DVD. Administrator Janiuk also mentioned the e-mail that was sent out discussing the economic stimulus monies.

Administrator Janiuk informed the Board that he is waiting to receive more information from the Auditors regarding the 2005 bond issue.

Administrator Janiuk mentioned the lawsuit for the Sturtevant Depot. Administrator Janiuk mentioned that he will be giving his deposition on February 19, 2009. The trial has been set for July 7, 2009.

OPEN FLOOR- Trustee Klinkosh made a motion to suspend the rules to go into public comment. Seconded by Lynaugh. Motion carried by voice vote.

Curtis Garner, 3605 Vermont Street, Racine, WI, Manager of the Belle Urban System, mentioned reasons for supporting of the Southeastern Wisconsin Regional Transit Authority (RTA) as well as the KRM commuter rail line.

Chris Larsen, 3237 93<sup>rd</sup> Street, expressed concern over the KRM commuter rail line. Mr. Larsen mentioned that he opposes the KRM commuter rail line. Mr. Larsen asked the Board to oppose the Southeastern Wisconsin Regional Transit Authority (RTA) as well as the KRM commuter rail line.

RESUME MEETING- Trustee J. Johnson made a motion to resume the meeting. Seconded by Klinkosh. Motion carried by voice vote.

PAY BILLS – Trustee Lynaugh made a motion to pay all bills approved by the Finance Committee. Seconded by J. Johnson. Motion carried by voice vote.

RESOLUTIONS: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolutions 2009-13, 2009-14, and 2009-16 and read by title only. Seconded by Lynaugh

ROLL CALL: Lynaugh aye, Busha aye, G. Johnson aye, Klinkosh aye, Wright aye, J. Johnson aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2009-13*

*RESOLUTION BY THE ADMINISTRATION, PERSONNEL, POLICY AND LEGAL COMMITTEE AUTHORIZING THE CLERK/DEPUTY TREASURER AND THE DEPUTY CLERK TO SIGN CHECKS AND OTHER DOCUMENTS*

*RESOLUTION 2009-14*

*RESOLUTION BY THE STORMWATER AND WASTEWATER COMMITTEE AUTHORIZING JOINING THE LOCAL GOVERNMENT STORM WATER GROUP AND AUTHORIZING PAYMENT OF \$100*

*RESOLUTION 2009-16*

*REVISED PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENT POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES, FOR BROADWAY DRIVE ROAD CONSTRUCTION IN THE VILLAGE OF STURTEVANT*

Trustee J. Johnson moved for the adoption of Resolutions 2009-13, 2009-14, and 2009-16. Seconded by Klinkosh. Motion carried by voice vote.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2009-15 by title only. Seconded by Klinkosh.

ROLL CALL: J. Johnson aye, Lynaugh aye, Klinkosh aye, Busha aye, G. Johnson aye, Wright aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2009-15*

*RESOLUTION BY THE PUBLIC SAFETY AND HEALTH COMMITTEE ADOPTING A BOND SCHEDULE AND AUTHORIZING FINES AND FORFEITURES*

Trustee J. Johnson moved for the adoption of Resolution 2009-15. Seconded by Klinkosh. Motion carried by voice vote.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2009-17 by title only. Seconded by G. Johnson.

ROLL CALL: Wright aye, Lynaugh aye, J. Johnson aye, Busha aye, Klinkosh aye, G. Johnson aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2009-17*

*PRELIMINARY RESOLUTION DECLARING INTENT TO EXERCISE SPECIAL ASSESSMENTS POWERS UNDER SECTION 66.0703, WISCONSIN STATUTES FOR CERTAIN STORM WATER-RELATED IMPROVEMENTS IN THE VILLAGE OF STURTEVANT*

Trustee J. Johnson moved for the adoption of Resolution 2009-17. No Second. Motion died for lack of a second.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2009-18 by title only. Seconded by Klinkosh.

ROLL CALL: G. Johnson aye, J. Johnson aye, Busha aye, Klinkosh aye, Wright aye, Lynaugh aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2009-18  
RESOLUTION BY THE PUBLIC WORKS AND CAPITAL IMPROVEMENTS COMMITTEE  
AUTHORIZING ACCEPTANCE OF APPRAISALS AND OFFERS FOR PROPERTY RIGHTS AS PART OF  
THE BROADWAY DRIVE RECONSTRUCTION PROJECT*

Trustee J. Johnson moved for the adoption of Resolution 2009-18. Seconded by Klinkosh. Motion carried by voice vote.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2009-19 by title only. Seconded by Klinkosh.

ROLL CALL: J. Johnson aye, Wright aye, Klinkosh aye, Lynaugh aye, G. Johnson aye, Busha aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2009-19  
RESOLUTION BY THE ECONOMIC DEVELOPMENT AND REDEVELOPMENT COMMITTEE  
OPPOSING THE CREATION OF A PERMANENT RTA AND OPPOSING THE RECOMMENDATIONS OF  
THE RTA*

Trustee J. Johnson moved for the adoption of Resolution 2009-19. Seconded by Klinkosh.

ROLL CALL: Busha aye, G. Johnson aye, Klinkosh aye, Lynaugh aye, J. Johnson aye, Wright aye, Jansen aye. Motion carried 7-0 vote.

RESOLUTION: Trustee J. Johnson made a motion to suspend the rules for the reading of Resolution 2009-20 by title only. Seconded by Klinkosh.

ROLL CALL: Wright aye, G. Johnson aye, Lynaugh aye, Klinkosh aye, J. Johnson aye, Busha aye, Jansen aye. Motion carried 7-0 vote.

*RESOLUTION 2009-20  
RESOLUTION BY THE ECONOMIC DEVELOPMENT AND REDEVELOPMENT COMMITTEE  
AUTHORIZING AN AMEDMENT TO THE AGREEMENT IN REGARD TO THE DEVELOPMENT OF THE  
JOHNSON FARM PARCEL AT 2617 WEST ROAD*

Trustee Wright moved for the adoption of Resolution 2009-20. Seconded by J. Johnson.

Trustee J. Johnson moved to amend Section 5.7 of Resolution of Resolution 2009-20 to remove the sentence "After \_\_\_\_\_ years of payments, the Village payments shall be based on 100% of the Village's share of the Property Taxes Collected as described above". Seconded Klinkosh.

ROLL CALL TO AMEND RESOLUTION 2009-20: J. Johnson aye, Wright aye, Klinkosh aye, G. Johnson aye, Busha aye, Lynaugh aye, Jansen aye. Motion carried 7-0 vote.

ROLL CALL TO ADOPT RESOLUTION 2009-20: Lynaugh aye, Klinkosh aye, Busha aye, J. Johnson aye, Wright aye, G. Johnson aye, Jansen aye. Motion carried 7-0 vote.

OLD BUSINESS- Trustee Wright asked about the repair status of the Depot elevators.

President Jansen talked about the Belle Urban System bus service in the Village of Sturtevant. President Jansen voiced his reasons for opposing the Regional Transit Authority (RTA)

Trustee Klinkosh gave reasons for his reasons for not endorsing the RTA.

Trustee G. Johnson expressed dissatisfaction with the RTA and the funding by taxation.

NEW BUSINESS- The consensus of the Board was to hold a Committee of the Whole Meeting after the Board Meeting on Tuesday, March 17, 2009 to view a Public Officials Liability DVD.

The Board agreed to sign a letter endorsing the Western Union Junction Railroad request to petition CP Rail for co-sponsorship. This letter will be signed by President Jansen and all the Trustees then sent to Canadian Pacific Railway.

ADJOURN- Trustee Klinkosh made a motion to adjourn at 7:35 PM. Seconded by G. Johnson. Motion carried by voice vote.

Drafted this 17<sup>th</sup> day of February, 2009  
Approved this 3<sup>rd</sup> day of March, 2009

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Mary Hanstad, Clerk/Deputy Treasurer

TERMS AND CONDITIONS/ CONDITIONAL USE  
PERMIT-BONIFACIO MENDOZA AND GRISELDA  
PUEBLA D/B/A LA IGUANA LOCA

2-16-09

THAT THE REQUEST BY BONIFACIO MENDOZA AND GRISELDA PUEBLA D/B/A LA IGUANA LOCA SEEKING AN AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR 8020 DURAND AVE, BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That exiting conditional use permit be amended to allow the maximum hours of operation to be from 6:00 a.m. to 10:00 p.m. Mon-Thur. and 6:00 a.m. to 12:00 p.m. Fri- Sat and 6:00a.m. to 9:00p.m. Sun; and no other operations outside of the maximum hours of operation.
- b. That all other terms and conditions of the existing conditional use permit remain in effect.

TERMS AND CONDITIONS/ CONDITIONAL USE  
PERMIT- MIKE MEHESH AND SPH REAL ESTATE  
D/B/A STURTEVANT MOBIL

2-16-09

THAT THE REQUEST BY MIKE MEHESH AND SPH REAL ESTATE D/B/A STURTEVANT MOBIL SEEKING A CHANGE OF OWNERSHIP TO CONTINUE A CONDITIONAL USE PERMIT TO OPERATE A GAS STATION AND CONVENIENCE STORE AT 8920 DURAND AVE, BE APPROVED SUBJECT TO THE FOLLOWING CONDITIONS:

- a. That the plans presented to the Plan Commission on February 12, 2009 and marked "Plan \_\_\_\_" be approved subject to the conditions contained herein.
- b. That all appropriate building and occupancy permits be requested from the Building Inspection Department.
- c. That the maximum hours of operation be from 5:00 a.m. through 11:00 p.m. daily and no other operations outside of the maximum hours of operation.
- d. That all aspects of the operation of this business be conducted indoors including vending machines, product displays or sales except for propane gas and ice machines.
- e. That Mike Mehesh and SPH Real Estate d/b/a Sturtevant Mobil shall insure that the following:
  1. All trash and recyclables be stored in closed containers and screened from view. All garbage receptacles shall be commercial or industrial grade with top covers and spring-loaded door.
  2. That all parking areas be paved and striped.
  3. That all yard areas, landscaping, buildings and grounds be maintained on a daily basis.

4. That dumpster pick up be prohibited between the hours of 10:00 p.m. and 7:00 a.m., Monday through Saturday, with no pick up on Sunday.
  5. That the outside storage of junked vehicles, semi trailers, recreational vehicles, vehicle parts, materials and equipment be prohibited.
- f. That all codes and ordinances be complied with and required permits acquired.
  - g. That no minor changes be made from the conditions of this permit without the approval of the Plan Commission and no major changes be made from the conditions of this permit without the approval of the Village Board.
  - h. That this permit is subject to Plan Commission review for compliance with the listed conditions.
  - i. That the existing sign shall be used with a new sign face. That all signs be professionally made, comply with the zoning ordinance requirements and be submitted for review and approval by the Building Inspector.
  - j. That Mike Mehesh and SPH Real Estate d/b/a Sturtevant Mobil shall reimburse the Village for all of the Village's out of pocket expenses related to the review and approval process through the planning commission. Mike Mehesh and SPH Real Estate d/b/a Sturtevant Mobil agree that no occupancy permits shall be issued until said payment is made to the Village.
  - k. Fuel delivery trucks shall not obstruct the sidewalk while making fuel deliveries.
  - l. The perimeter fence shall be repaired and repainted.
  - m. The trash enclosure gates shall be repaired and the gates shall be kept closed at all times. Trash shall not be allowed to escape the enclosure.

- n. The defusing shields on the rear building light fixtures shall be maintained.
- o. No food service shall be permitted without an amendment to the conditional use permit.