

# RESOLUTION FAILED

## RESOLUTION NO. 2024-027 (2-13-2024)

### RESOLUTION OF THE VILLAGE BOARD OF THE VILLAGE OF CALEDONIA TO APPROVE A VARIANCE FOR 6243 CHARLES STREET FROM THE SEWER SERVICE CHARGE

**WHEREAS**, Ms. Jody Kardos constructed a detached garage with living space (bedroom, bathroom, & laundry facilities) on her property at 6243 Charles Street starting in 2018 and completing in 2019.

**WHEREAS**, prior to constructing the detached garage, Ms. Kardos was informed that she would be charged for an additional unit of Sewer (Sewer Service Charge) due to the separate living space in a second structure on the property per Ordinance 9-4-7(b)(1)j. The second unit of Sewer was added to the Utility Bill on August 14, 2019, upon connection of the detached garage to the sanitary sewer system.

**WHEREAS**, Ms. Jody Kardos attended the Caledonia Utility District meetings in December 2023 and January 2024 to raise concern about the Utility Bill for her home at 6243 Charles Street. Specifically, the charge for the second unit of Sewer.

**WHEREAS**, at the December 2023 Caledonia Utility District Meeting, the Caledonia Utility District Commission directed Director Bunkelman to review the billing system to find out if there were similar situations within the District and how those situations are billed.

**WHEREAS**, at the January 2024 Caledonia Utility District Meeting, Director Bunkelman reported that there were 3 similar situations to Ms. Kardos and soon to be a 4<sup>th</sup>. With this information, the Caledonia Utility District moved to *Recommend that no changes are made to the Utility Bill at 6243 Charles Street reducing the number of sewer units.* Motion carried 5-0.

**WHEREAS**, attached to this Resolution is **Exhibit A**, which is the January 5, 2024 Memorandum from Director Bunkelman to the Caledonia Utility District.

**WHEREAS**, Ms. Kardos appealed this decision and was heard at the January 23, 2024 meeting of the Committee of the Whole.

**WHEREAS**, attached to this Resolution is **Exhibit B**, which is the January 17, 2024 Memorandum from Director Bunkelman to the Committee of the Whole.

**WHEREAS**, at the January 23, 2024 meeting of the Committee of the Whole, the Committee made a *motion to approve a variance and move item to the Village Board.* Motion carried 4-2. The Committee of the Whole also made a *motion to direct staff to prepare appropriate conditions to attach to the variance.* Motion carried 5-1.

**WHEREAS**, staff has prepared appropriate conditions to be reviewed and accepted by the Village Board, the variance should be approved subject to review and acceptance of the following:

- The usage of water/sewer for the single-family home and detached garage combined at 6243 Charles Street at this time is equal to or less than the usage of a single-family home.
- Changing Ordinance 9-4-7(b)(1)j is not appropriate.
- If the detached garage is rented, whether short-term or long-term, or lived in, whether as a temporary or permanent residence, this variance shall become null and void and the detached garage will again be charged for a second unit of sewer.
- Nothing herein shall constitute an approval for occupancy of this unit as a dwelling unit and any such use or occupancy is specifically prohibited in this zoning district and on this property.

**NOW, THEREFORE, BE IT RESOLVED** by the Caledonia Village Board that a variance to reduce the number of sewer units to 1 (from 2 units per Ordinance), for 6243 Charles Street with a single-family home and detached garage (both connected to the sanitary sewer system) for Ms. Jody Kardos be approved subject to the conditions above.

Adopted by the Village Board of the Village of Caledonia, Racine County, Wisconsin, this \_\_\_\_ day of February 2024.

VILLAGE OF CALEDONIA

By: \_\_\_\_\_  
Thomas Weatherston, Village President

Attest: \_\_\_\_\_  
Jennifer Olsen, Village Clerk

## MEMORANDUM

**DATE:** Friday, January 5, 2024

**TO:** Caledonia Utility District

**FROM:** Anthony A. Bunkelman P.E.  
Public Services Director

**RE:** 6243 Charles Street – Utility Bill Concern



### BACKGROUND INFORMATION

At the December Utility District Commission meeting, Ms. Jody Kardos was present and raised a concern about how she was being charged for Sanitary Sewer on her property. Ms. Kardos recently built a detached garage and as part of the construction of the garage, living space was incorporated into the garage. Prior to the construction of the garage, Ms. Kardos was informed that she would be charged for 2 units of sewer due to the living space. Ms. Kardos is now contesting that she should not be charged with 2 units of sewer.

Director Bunkelman provided a couple of examples of where he believe that the same scenario exists and was directed to review the billing system to find out if there are similar situations and how those situations are billed. The Commission wants to be consistent and not set precedence.

After reviewing the billing system there are 3 situations that are similar to Ms. Kardos where the property is charged multiple units of sewer. These are 5509 Middle Road, 2714 4 ½ Mile Road, and 9519 Caddy Lane. A 4<sup>th</sup> situation will be updated shortly pending the release of an occupancy permit at 6651 Charles Street.

After review of the billing system and similar situations billed identical, it is recommended that there are no changes made to the utility bill at 6243 Charles Street.

### RECOMMENDATION

**Move to recommend that no changes are made to the Utility Bill at 6243 Charles Street reducing the number of sewer units.**

## MEMORANDUM

**DATE:** Wednesday, January 17, 2024

**TO:** Committee of the Whole

**FROM:** Anthony A. Bunkelman P.E.  
Public Services Director

**RE:** 6243 Charles Street – Utility Bill Concern



### BACKGROUND INFORMATION

At the December Utility District Commission meeting, Ms. Jody Kardos was present and raised a concern about how she was being charged for Sanitary Sewer on her property. Ms. Kardos recently built a detached garage and as part of the construction of the garage, living space was incorporated into the garage. Prior to the construction of the garage, Ms. Kardos was informed that she would be charged for 2 units of sewer due to the living space. Ms. Kardos is now contesting that she should not be charged with 2 units of sewer.

Director Bunkelman provided a couple of examples of where he believed that the same scenario exists and was directed to review the billing system to find out if there are similar situations and how those situations are billed. The Commission wants to be consistent and not set precedence.

After reviewing the billing system there are 3 situations that are similar to Ms. Kardos' where the property is charged multiple units of sewer for a detached garage. These are 5509 Middle Road, 2714 4 ½ Mile Road, and 9519 Caddy Lane. A 4<sup>th</sup> situation will be updated shortly pending the release of an occupancy permit at 6651 Charles Street.

The Caledonia Utility District at their January Meeting made the following motion upon receiving the information on the other properties with similar sewer charges. Trustee Wishau moved to recommend that no changes are made to the Utility Bill at 6243 Charles Street reducing the number of sewer units. Seconded by Commissioner Kaplan. Motion carried 5-0.

Ms. Kardos suggests that Ordinance 9-4-7(b)(1)(j) be reviewed by the Commission and have the range of sewer units charged for a Garage changed from 1 to 2 to 0 to 2. She feels that this would allow a situation like hers to have the sewer charge reduced. The Commission informed Ms. Kardos that Ordinances are not determined or set by the Commission and that she would need to appeal to the Committee of the Whole and the Village Board.

It is anticipated that Ms. Kardos will attend the Committee of the Whole meeting to present her case to change the Ordinance. Staff recommends that the Ordinance remain as currently written.

## **RECOMMENDATION**

**Move to keep Ordinance 9-4-7(b)(1)(j) as written subject to the following:**

- 1. Incorporating living space into the detached garage can increase the amount of sewer discharge created by the property.**
- 2. The detached garage could be utilized as a rental unit (pending proper Zoning).**
- 3. Ms. Kardos was informed prior to the construction of the detached garage that with living space incorporated into the garage that the property would be charged for an additional unit of sewer.**
- 4. Changing the Ordinance would affect other properties with the same situation which generate the same or increased sanitary sewer flow.**

Sec. 145.245(1)(a), as amended from time-to-time, or sooner if any applicable Federal law, Wisconsin Statute, Wisconsin Administrative Code, Racine County ordinance or other local regulation so requires. Notwithstanding the time-period required for connection to a public sewer main, the owner of any parcel served by a system that has failed shall take immediate action to address the Failure and abate any health hazard that may be caused by such Failure.

- (2) **Other Use.** The owner of a Building zoned for any other purpose shall have all plumbing connected to a sewer main at the expense of the Building's owner if any part of the parcel, upon which the Building is located, is within 500 feet of a sewer main or the right-of-way in which a sewer main is located.
- (c) **Time to Connect and Connection Charge.** The connection shall be made within six (6) months from the date the owner or occupant of the property receives written notice from the Village or District that a sewer main is available to serve the property and the applicable connection charge shall be paid to the District and Village in accordance with Section 9-4-5 of the Village's Code of Ordinances.
- (d) **Sewerage Charge.** The initial sewerage charge applicable to the property shall be due when the connection to the sewer main is made, or sixty (60) days after written notice of sewer availability is given to the owner or occupant of the property, whichever comes first, whether or not a building on the premises is inhabited or not. This charge shall be due and payable regardless of whether the connection is made and/or whether the service is utilized once connected. Subsequent charges become due and payable on a quarterly basis.
- (e) **Connection to Manholes Prohibited.** Connections shall be made to the sewer main and not directly to a manhole, unless written permission is granted by the District Manager, and the connection is made as directed.
- (f) **Repair and Maintenance.** The property owner shall be responsible for (1) all repair, replacement and maintenance costs associated with the lateral from the private property line to the building being served, and (2) all costs associated with lateral cleaning and root removal from the sewer main to the building being served. Except for cleaning and root removal costs, the Utility shall be responsible for all repairs, replacement and maintenance costs for that portion of the lateral contained within the public road right-of-way.

#### SEC. 9-4-7 BASIS FOR SEWER SERVICE CHARGES.

- (a) **Basis.** It is determined and declared to be necessary and conducive to the protection of the public health, safety, welfare, and convenience of the Village of Caledonia to levy and collect charges, rentals, or rates of service upon all the lands, lots, premises and additions served by the sanitary sewerage system of the Utility District.
- (b) **Sewer Customers.**
  - (1) Customers of the sewerage system of the District and additions shall be assessed upon the basis of the following units:

<u>Type Of Customer</u>	<u>Charge Units</u>
a. Single Family Dwelling	1
b. House Trailer	1
c. Multiple Family Dwelling	1st Unit = 1; Each Additional Unit = .75

d.	Store	1 to 10
e.	Tavern	2
f.	Bowling Alley	1 for each 4 alleys
g.	Hotel or Motel	1 for each 4 rooms
h.	Lunch Room	1 to 2
i.	Restaurant	1 to 10
j.	Garage	1 to 2
k.	Gas Station	1 to 2
l.	School	1 for each 50 pupils
m.	Church	1 to 5
n.	Hall	1 to 5
o.	Office Building	1st Unit = 1; Each Additional Unit = .75
p.	Building for Commercial/ Industrial Rentals	1st Unit = 1; Each Additional Unit = .75
q.	Post Office	1 to 2
r.	Barber/Beauty Shop	1 to 5
s.	Warehouse	1 to 10
t.	Club House	1 to 2
u.	Shops (Print, Welding, Shoemaker, Blacksmith, etc.)	1 or more
v.	Bakery	1 to 5
w.	Funeral Home	1 to 5
x.	Greenhouse	1 to 5
y.	Bank	1 to 5
z.	Feed Mill	1 to 5
aa.	Railroad Depot	1 to 10

- (2) Where the number of charge units specified above are variable or in a range, the District shall determine the number of such charge units as to reflect the estimated volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling. In no event shall any customer pay less than one charge unit.
  - (3) Where the customer is not listed above, the District shall determine the number of charge units by (a) estimating the volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling or (b) estimating the volume of sewerage that will emanate from the customer based upon the metered volume of water used by the customer as compared to the usual volume of water used in a single family dwelling.
  - (4) The District may increase or decrease, in its sole discretion, the number of charge units where the above schedule would result in an inequitable charge to the customer and/or would result in an insufficient number of charge units.
- (c) **Amount of Sewer Service Charges.**
- (1) Category A. Customers as defined in s. 9-4-3(a)(3) shall pay a total service charge of \$170.00/quarter, effective September 15, 2022.
  - (2) Category B. Customers as defined in s. 9-4-3(a)( 4) shall pay a user charge, as determined by the District, based upon (without limitation) the costs of collection,

## Tony Bunkelman

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**From:** Megan O'Brien  
**Sent:** Tuesday, January 9, 2024 11:38 AM  
**To:** Megan O'Brien  
**Subject:** FW: January 11th Commision Meeting

All,

Please see the attached email from Lee Wishau.

Thank you,

**Megan O'Brien**

Public Services Administrative Coordinator



5043 Chester Lane, Racine, WI 53402  
Village Hall: 262-835-4451 | Direct 262-835-6435  
Email: [mobrien@caledonia-wi.gov](mailto:mobrien@caledonia-wi.gov)  
Website: [Caledonia-wi.gov](http://Caledonia-wi.gov)

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**From:** Lee Wishau <[LWishau@caledonia-wi.gov](mailto:LWishau@caledonia-wi.gov)>  
**Sent:** Tuesday, January 9, 2024 11:36 AM  
**To:** Megan O'Brien <[MOBrien@caledonia-wi.gov](mailto:MOBrien@caledonia-wi.gov)>  
**Subject:** Fw: January 11th Commision Meeting

Please forward to all utility commission members.

Thanks,  
Lee

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**From:** Jody Kardos <[jjkardos1@gmail.com](mailto:jjkardos1@gmail.com)>  
**Sent:** Monday, December 18, 2023 9:52 AM  
**To:** Lee Wishau <[LWishau@caledonia-wi.gov](mailto:LWishau@caledonia-wi.gov)>  
**Cc:** Fran Martin <[fmartin@caledonia-wi.gov](mailto:fmartin@caledonia-wi.gov)>  
**Subject:** January 11th Commision Meeting

Lee,  
Good morning. At the Dec. 6th Utility District meeting during our conversation regarding the added sewer charge unit/s associated with the addition of a garage, it was explained to me that my added sewer charge unit was imposed because I chose to add a separate meter onto the water lateral rather than attempt to tunnel under the house and up under the foundation/slab and kitchen sink base area to attach the garage water pipe to the existing house meter.

Again, the *combined* water and sewer usage of my *house and garage*, which now includes a washing machine and second bathroom, does not exceed the usage of other single-family dwellings having one kitchen sink, two bathrooms, and a washing machine.



So that all customers in the same or similar situation may be charged equitably, rather than ask for a special exemption from the added sewer charge for my garage, I'd like to request that the Commision discuss and vote on a proposal to change," Chapter 4 - Caledonia Sewer Utility District Regulations and Rates SEC. 9-4-7 (b)," removing, "j. Garage," and instead adding a statement that garages, whether attached or detached from, "a. Single Family Dwelling," and whether metered on a shared meter or metered separately on the same lateral be included in the assigned single charge unit for a single-family dwelling.

Because the additional sewer usage for any garage, whether attached or detached, would likely not cause combined volume of sewer usage to exceed the range of usage for single- family dwellings or justify doubling the sewer bill, and the location of the metering should not dictate charging a double flat rate for a home's sewer bill, making this change would be fair and equitable to the Village of Caledonia Utility District customers.

Very Best Regards,

*Jody J. Kardos*  
m:414.837.8928

## MEMORANDUM

**DATE:** Friday, January 5, 2024

**TO:** Caledonia Utility District

**FROM:** Anthony A. Bunkelman P.E.  
Public Services Director

**RE:** 6243 Charles Street – Utility Bill Concern



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After review of the billing system and similar situations billed identical, it is recommended that there are no changes made to the utility bill at 6243 Charles Street.

### RECOMMENDATION

**Move to recommend that no changes are made to the Utility Bill at 6243 Charles Street reducing the number of sewer units.**

## MEMORANDUM

**DATE:** Wednesday, January 17, 2024

**TO:** Committee of the Whole

**FROM:** Anthony A. Bunkelman P.E.  
Public Services Director

**RE:** 6243 Charles Street – Utility Bill Concern



### BACKGROUND INFORMATION

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i.	Restaurant	1 to 10
j.	Garage	1 to 2
k.	Gas Station	1 to 2
l.	School	1 for each 50 pupils
m.	Church	1 to 5
n.	Hall	1 to 5
o.	Office Building	1st Unit = 1; Each Additional Unit = .75
p.	Building for Commercial/ Industrial Rentals	1st Unit = 1; Each Additional Unit = .75
q.	Post Office	1 to 2
r.	Barber/Beauty Shop	1 to 5
s.	Warehouse	1 to 10
t.	Club House	1 to 2
u.	Shops (Print, Welding, Shoemaker, Blacksmith, etc.)	1 or more
v.	Bakery	1 to 5
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- (2) Where the number of charge units specified above are variable or in a range, the District shall determine the number of such charge units as to reflect the estimated volume of sewerage that will emanate from the customer in comparison with the usual volume emanating from a single family dwelling. In no event shall any customer pay less than one charge unit.
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**Subject:** FW: January 11th Commision Meeting

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Thank you,

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Public Services Administrative Coordinator



5043 Chester Lane, Racine, WI 53402  
Village Hall: 262-835-4451 | Direct 262-835-6435  
Email: [mobrien@caledonia-wi.gov](mailto:mobrien@caledonia-wi.gov)  
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