

**Village Board Meeting
August 7, 2017**

1 - Order

President Bradley called the Village Board Meeting to order at 7:06 p.m., at Village Hall, 5043 Chester Lane, Racine, WI.

2 - Pledge of Allegiance

3 - Roll Call

Board: Trustee Benkowski, Trustee Trentadue, Trustee Wanggaard, Trustee Willing, Trustee Dobbs, and President Bradley

Absent: Trustee Wishau was excused

Staff: Village Administrator Tom Christensen and Village Engineer Tony Bunkelman.
Also present was Village Attorney Elaine Ekes

4 - Approval of minutes

Motion by Trustee Wanggaard to approve the minutes of the following meeting(s) as printed. Seconded by Trustee Trentadue . Motion carried.

Regular Board meeting(s) – July 17, 2017,

Special Board meeting(s) – July 11, 2017, July 17, 2017, July 31, 2017

Hearing(s) and/or Joint meeting(s) – None

5 - Citizens Reports/General comments from the audience

Ray Lentz was present speaking about his neighbor's business that he claims was issued permits while conducting violations. He asked the board to scratch their favor for friends list and run them out of town.

Susan Greenfield, 700 Waters Edge Rd, expressed her concerns about the old Western Publishing building. It is falling apart and being used as a hangout for kids. Despite numerous complaints to the police, she does not see any police cars around. She feels the building's days are over and it is time to take it down.

Jerry Greenfield, 700 Waters Edge Rd, spoke about the gangs breaking into the old Western Publishing building. They are destroying the property even more and scaring the people that like to take walks. He encouraged the board to do something with the building.

John Batten, 704 Waters Edge Rd, spoke about the danger to the police officers to have to enter and walk through the dilapidated building full of mold and asbestos. It needs to be more secure. It is scaring the people that live around the area and the people that walk the area.

Teresa Batten, 704 Waters Edge Rd, spoke about the building and all the illegal activity going on in it. The kids have no fear of anyone seeing them. She asked the board to take it down.

Others spoke on the same issue. They had concerns over what appears to be gang signs being painted on the building. Dr. Thomas Wood is shown to be the sole owner of the building now.

John Dembowiak, 805 Waters Edge Rd, stated that he confronted some of the kids and they just swore at him. He witnessed kids coming out of the building at 5:00 a.m.

Camille Schulgit, 720 Waters Edge Rd, stated that she has seen the building getting progressively worse. She had concerns about the black mold that the building is full of and the safety of the officers that are called there on a regular basis. She and her husband are walkers and do not walk by the building any longer.

Julie Veltus, 6003 Erie St., brought her laptop showing pictures of her house. She stated that she is updating her home and the trees around the building are falling on her property. Mice are also a problem along with alcohol bottles, etc. that are dumped around the area.

Roseanne Worrell, 700 Waters Edge Rd, added that the kids going in the building are using private parking areas.

Scott Dizack, 700 Waters Edge Rd, felt the board has an obligation to tear down the building due to all the asbestos and mold.

President Bradley stated that due to the all concerns that have just been heard, the board will make it a priority to address the issue ASAP.

6 - Communications and Announcements

7 - Committee Reports

7A(1) - Approval of A/P checks

Motion by Trustee Dobbs to approve the A/P checks 07/01/2017 thru 08/07/2017 as follows. Seconded by Trustee Willing. Motion carried.

General Fund	Check No's 75241-75351	in the amount of \$827,827.90
Parks Enterprise	Check No's 6155-6176	in the amount of \$3,165.28
Joint Health	Check No's 12181-12202	in the amount of \$192,396.42
Joint Parks	Check No's 8588-8593	in the amount of \$2,501.47
Charge Cards	6/26/17 – 7/25/17	in the amount of \$40,302.35

7B(1) - Approval of 2017-2018 Operator's Licenses (Bartenders)

Motion by Trustee Trentadue to approve 2017-2018 Operator's Licenses as presented. Seconded by Trustee Wanggaard. Motion carried.

7B(2) - Special Event Permit for Country Pump, August 19, 2017 – 4713 Hwy 31

Motion by Trustee Trentadue to approve the special event permit on August 19, 2017 for Country Pump, 4713 Hwy 31. Seconded by Trustee Wanggaard. Motion carried.

8 - Ordinances and Resolutions**8A - Ordinance 2017- 13 - 1st and 2nd Reading and Possible Adoption - An Ordinance to Amend Sections 11-2-16 and 11-2-17 of the Code of Ordinances for the Village of Caledonia, Racine County, Wisconsin, relating to Sex Offender Residency Restrictions and Sex Offender Prohibited Conduct**

Motion by Trustee Trentadue to suspend the rules and take up both 1st and 2nd readings of Ordinance 2017-13. Seconded by Trustee Wanggaard. Motion carried.

Motion by Trustee Trentadue to suspend the rules and read Ordinance 2017-13 by title only. Seconded by Trustee Wanggaard. Motion carried.

Attorney Ekes explained the studies and articles that were previously distributed to the board for their review such as Recidivism of Adult Sexual Offenders." U.S. Department of Justice, July 2015, SOMAPI, an Overview of Sex Offender Management." July 2002, U.S. Department of Justice, There goes the Neighborhood? Estimates of the Impact of Crime Risk on Property Values from Megan's Laws." May 2006, National Bureau of Economic Research and, a copy of the Order of the Honorable J.P. Stadtmueller of the United States District Court, Eastern District of Wisconsin, Hoffman et al. v. Village of Pleasant Prairie. She explained that those cases are why the ordinance revisions are in front of the board at this time considering the decisions in the Hoffman Case that came down in April of 2017. She explained some of the reasons why the courts struck down the Village of Pleasant Prairie ordinance. One of the reasons being that Pleasant Prairie's distant restrictions effected a banishment because it only left 10% of the Village for sex offenders to reside in and of that 10% only 3% was residential. They also struck down the original domicile restriction because it did not provide an individualized inquiry into each offender (lack of due process review in the ordinance) and it did not present a sufficient reason for distinguishing between sex offenders based on domicile. As a result of the Hoffman decision, some revisions should be made with the village's ordinance to comply. She talked about Recidivism and the whole purpose of the ordinance is to protect and provide safe areas for children while reducing opportunity for recidivism for sex offenders. The study showed that sex offenders are 4 more times higher to reoffend again than other kinds of offenders. A comprehensive and collaborative approach to sex offenders' management can help control offenders sexually abusive behaviors and ordinances are a part of that approach to sex offender's management. Another consideration is to ensure that the safety needs of the victims are paramount when you're looking at the general health, welfare and safety under which the ordinance is put into place. Studies also show that sex offenders that do not have any kind of support system, network systems in place, are more likely to reoffend. These support systems are more

often family so they will look to their home communities first and elsewhere second, which is why at this point the ordinance will retain the original domicile restriction. She also noted that one of the articles talked about that there can be a negative impact on a community when there is a disproportion amount of sex offenders that reside in a community and it can affect property values. It is important that those values stay consistent to enable moneys coming in for taxes to provide the services. So it is important to balance those needs with the needs of the residence as well as the sex offenders that might reside within the community.

The key changes to the ordinance are as follows: elimination between the distinction between a temporary and permanent residence. It now reads a place where the Offender resides, dwells or uses as the primary location for life functions for an aggregate of 14 or more days in any 1 year period. Retained the original domicile restriction and included a revised safety zone of 1500 feet. That results in 37.31% of the village being available for sex offenders to reside. Broken down that means 84.18% of the 37.31% is available for residential living, i.e., single family or apartments. The remaining 15.82% of the 37.31% is commercial and business which would not be appropriate for residential living. Deleted language that prohibited renewal of leases if the offender already resides there. Statutory changes such as the Romeo and Juliet exception which is two consenting teenagers under 4 years apart in age and although there might be a technical violation, they are not required to register as a sex offender in Wisconsin. There is also an added Appeals Board which consists of 3 people with 1 alternate appointed by the Village President with confirmation by the Village Board. A process would be followed by the board and there would be a \$25 filing fee to cover administrative cost. The fee was established with consideration of the applicants' ability to pay without it being a barrier or hardship. A few minor changes to the prohibited conduct and loitering provisions to tighten up the findings and intent language.

Motion by Trustee Wanggaard Trentadue to adopt Ordinance 2017-13 An Ordinance to Amend Sections 11-2-16 and 11-2-17 of the Code of Ordinances for the Village of Caledonia, Racine County, Wisconsin, relating to Sex Offender Residency Restrictions and Sex Offender Prohibited Conduct. Seconded by Trustee Trentadue.

Trustee Benkowski – aye	Trustee Willing - aye
Trustee Trentadue – aye	Trustee Dobbs - aye
Trustee Wanggaard – aye	President Bradley - aye

Motion carried.

Trustee Wanggaard thanked everyone that worked on the ordinance. Ekes stated that there may be additional changes that need to be made to the Ordinance as further decisions and orders come into play from the courts.

8B - Resolution 2017-65 - Resolution Accepting FEMA Assistance To Firefighters Grant And Amending The 2017 Budget To Provide Funding For The Replacement Of The Fire Department's Self Contained Breathing Apparatus

Christensen stated that this was reviewed and approved by the Finance Committee. The current apparatus is non-compliant with NFPA Standards and OSHA regulations. The Village's Capital Improvement Plan includes \$290,000 in the 2018 budget year for SCBA replacement. The Fire Department has been awarded a FEMA Assistant Grant in

the amount of \$198,955 for partial replacement cost of the equipment with a 10% Village match requirement in the amount of \$19,895. Christensen thanked them for their efforts in finding and applying for the grant to keep the burden off the tax payers. The additional purchase of RIT packs and spare SCBA cylinders are also necessary in the amount of \$23,200. The amount of \$43,095 to be transferred from account 4710 Court Penalties and Fines to account 1405-6310.

Motion by Trustee Wanggaard to adopt Resolution 2017-65 Accepting FEMA Assistance To Firefighters Grant And Amending The 2017 Budget To Provide Funding For The Replacement Of The Fire Department's Self Contained Breathing Apparatus. Seconded by Trustee Trentadue.

Trustee Benkowski – aye
Trustee Trentadue – aye
Trustee Wanggaard – aye
Motion carried.

Trustee Willing - aye
Trustee Dobbs - aye
President Bradley - aye

8C - Resolution 2017-66 - A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use To Construct And Utilize Three 16,400 Square-Foot Self-Service Storage Facility Buildings And A Future 16,400 Square-Foot Multi-Tenant Office/Warehouse Building, 8500 Storage Dr., Sec. 27, T4N, R22E, Village Of Caledonia, Racine County, WI, Majestic North Development Inc., Owner, Robert Peterson, Applicant

Plan Commission recommended approval contingent upon the applicant obtaining variance approval from the Caledonia Zoning Board of Appeals to allow for a height of 19'.6 from 15' or an amendment, by separate action to the Village's Zoning Code to allow self-service storage facility buildings at a greater height than 15 feet. Any building, not considered a storage-unit, in the M-2 zoning district is allowed a height of 45 feet.

Motion by Trustee Trentadue to adopt Resolution 2017-66 Approving A Request For A Conditional Use To Construct And Utilize Three 16,400 Square-Foot Self-Service Storage Facility Buildings And A Future 16,400 Square-Foot Multi-Tenant Office/Warehouse Building, 8500 Storage Dr., Sec. 27, T4N, R22E, Village Of Caledonia, Racine County, WI, Majestic North Development Inc., Owner, Robert Peterson, Applicant. Seconded by Trustee Benkowski. Motion carried.

8D - Resolution 2017-67 - A Resolution Of The Village Board Of The Village Of Caledonia For Temporary Use For A Construction Of Laydown Yard By American Transmission Company Associated With An Electric Transmission Communications Upgrade Project; 6422 Hwy 31; Christopher Cape, Owner; Land Service Company, Agent

Plan Commission recommended approval.

Motion by Trustee Trentadue to adopt Resolution 2017-67 For Temporary Use For A Construction Of Laydown Yard By American Transmission Company Associated With An Electric Transmission Communications Upgrade Project; 6422 Hwy 31; Christopher Cape, Owner; Land Service Company, Agent. Seconded by Trustee Benkowski. Motion carried.

Trustee Dobbs asked if it would impact the neighbors. Bunkelman stated it would not.

8E - Resolution 2017-68 - Resolution Of The Village Board Of The Village Of Caledonia To Approve A Revised Certified Survey Map – NE 1/4 Of Section 11, T4N, R22E , Seven Mile & Foley Roads, Village Of Caledonia, Racine County WI And To Approve A Waiver Of Sec. 18-1-4(D)(3)(B) Of The Village Code; Owner: Martha F. Smerchek Revocable Trust

Plan Commission recommended approval with engineering conditions. The revision is a 3 lot split instead of 4 and a waiver modification to allow a secondary access on 7 Mile Rd. and a lot to be created on a thoroughfare.

Motion by Trustee Benkowski to adopt Resolution 2017-68 Caledonia To Approve A Revised Certified Survey Map – NE 1/4 Of Section 11, T4N, R22E , Seven Mile & Foley Roads, Village Of Caledonia, Racine County WI And To Approve A Waiver Of Sec. 18-1-4(D)(3)(B) Of The Village Code; Owner: Martha F. Smerchek Revocable Trust. Seconded by Trustee Trentadue. Motion carried.

Trustee Dobbs asked if there would be any issues with the additional driveway. Bunkelman stated there would be no issues.

8F - Resolution 2017-69 - A Resolution Of The Village Board Of The Village Of Caledonia To Adopt Map Entitled Child Safety Zone Map Showing The Child Safety Zones For Sex Offenders Under Sec. 11-2-16(C) And To Set The Filing Fee For An Appeal Under Sec. 11-2-16(G) Of The Code Of Ordinances Of The Village Of Caledonia

Ekes explained that this map shows the 1,500 ft. restrictions.

Motion by Trustee Benkowski to adopt Resolution 2017-69 To Adopt Map Entitled Child Safety Zone Map Showing The Child Safety Zones For Sex Offenders Under Sec. 11-2-16(C) And To Set The Filing Fee For An Appeal Under Sec. 11-2-16(G) Of The Code Of Ordinances Of The Village Of Caledonia. Seconded by Trustee Trentadue. Motion carried.

8G - Resolution 2017-70 - Resolution Authorizing Filling The Deputy Clerk Position

Motion by Trustee Trentadue to adopt Resolution 2017-70 Authorizing Filling The Deputy Clerk Position. Seconded by Trustee Benkowski. Motion carried.

9 – New Business

None

10 - Report from Village Administrator

Christensen spoke about the old Western Building and that it needs to be boarded up. He also mentioned that the board will need to reschedule the board meeting that falls on Labor Day.

11 - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Trustee Willing. Motion carried.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

Karie Torkilsen
Village Clerk