

LEGISLATIVE/LICENSING COMMITTEE MEETING
CALEDONIA VILLAGE HALL
5043 CHESTER LANE, RACINE, WI 53402
Monday, May 14, 2018

Trustee Wanggaard called the meeting to order at 4:20 p.m. In attendance were:

Committee Members: Trustee Kevin Wanggaard and Trustee Dave Prott

Department Managers: Village Administrator Tom Christensen, Public Works Director Tom Lazcano, and Attorney Elaine Ekes

Also in attendance: Trustee Fran Martin and Trustee Jay Benkowski

1. Approval of minutes

Trustee Prott moved to approve the minutes as printed from March 12, 2018. Seconded by Trustee Wanggaard. Motion carried unanimously.

2. Ordinance 2018-04 – An Ordinance To Amend Chapter 1 Of Title 14 And Chapter 3 Of Title 14 Of The Code Of Ordinances For The Village Of Caledonia Pertaining To Minor Land Divisions In The Village And The Number Of Land Divisions That Can Be Accomplished Utilizing A Certified Survey Map Before A Plat Is Required.

This was initially discussed at Plan Commission, and had been referred back to the Legislative & Licensing Committee for further review. After the Plan Commission meeting Attorney Ekes and Tom Lazcano crafted a few additional revisions to the pending Ordinance. One of the changes is under the definition of a minor land division and is for parcels that are not zoned commercial, industrial, or mixed use. It will now read that any division of land not more than 10 acre parcels or building sites will need to be reviewed by the Engineering Department (the 35 acre rule was eliminated).

Attorney Ekes further explained revisions on page 3, which included cleanup of language. The next revision on page 4, was a recommendation by John Schattner, that land divisions that do not require a CSM must be checked with the Public Works Director to ensure compliance. Most people will call for a lot line adjustment (most common occurrence) and this would trigger the sub (e). Public Works director Lazcano was good with the direction, and stated that this is the procedure already.

Attorney Ekes explained the final change in the draft on page 6 under the application procedure, and approval process but is about the public informational meeting. The Plan Commission felt strongly that the Public Works Director holds the right to order a public hearing in front of any issues he may foresee, so that any issues may be handled before they come before the Plan Commission or Village Board. Public works director would be the first to bear any issues that come up, but Lazcano ultimately felt these were all good changes.

Trustee Prott motioned to make the necessary amendments to Chapter 1 of title 14 in numbers 14-1-22(g)2, 14-13A(3)&(e) and 14-1-5(b)13 to move forward to the Plan Commission on May 29, 2018. Seconded by Trustee Wanggaard. Motion carried unanimously.

3. Sidewalk Ordinance

This was forwarded from Public Works. Attorney Ekes stated there have been some complaints about them being in disrepair. They are primarily in Franksville but about 2.8 miles of sidewalk exists though out the Village. We are trying to prevent any safety issues.

There was discussion about shaving to save the existing concrete versus completely ripping out whole squares. The city states that if it's less than an inch down, it can be repaired with concrete or repaired with mud-jacking. The expense would be split between the owner and the adjacent property owner, but it is the municipality's responsibility in terms of liability. Cudahy was lax on enforcement and is now being sued for a multi-million dollar lawsuit.

There was discussion about the Village taking on the cost of repairing sidewalks, but Christensen thought it would be fair if everyone had sidewalks. There have not been any calls or complaints but has been on the agenda since he came to be the Village Administrator. In terms of risk management, they are trying to get ahead of this issue. Trustee Prott brought up that this is not exclusively a structural concern, but is also a snow removal concern (there is an Ordinance that mandates a 36 hour turnaround on snow removal - depending on ice). Slipping on ice is also a liability of the Village.

Trustee Wanggaard wondered if we could send someone out to check out the condition of the 2.8 miles of sidewalks. Trustee Benkowski thought we would have to send someone who would know if the condition would need to be shaved, mud-jacked or replaced. Trustee Wanggaard explained how the City of Racine provides a notice with options for repair, such as a cement compound that will act as a Band-Aid (if it's off a certain depth), or they will replace it/or mud-jack it or you could replace/repair it yourself. If the City does the work, they initially bill you and if no payment is received it is put on a tax bill.

Christensen thought this project should not be tackled all in one year, and that there should be adequate notification to the residence of a projected date of inspection (i.e. 2019 these streets will be repaired). This would be permitted through Lazcano's office, and his department would check to ensure that the concrete is the correct depth (i.e. 4" instead of 1").

Trustee Martin didn't think sidewalk repair should be a homeowner expense, but historically it has always been their responsibility. A culvert is ½ the Villages responsibility, and ½ the owners. Most of the residents have culverts, so the comparison isn't great. Christensen stated we would need an estimate in order to move forward from a budget standpoint. It could be a Village project, but come back in order to form a policy which must be adhered to. There still needs to be an assessment before they could move forward. There was discussion about having a sidewalk inspector like the weed commissioner, who the public works director has the authority to appoint, but Lazcano was confident it could be absorbed by existing staff.

Trustee Prott motioned to lay this over until Tom Lazcano can get an assessment of how much there is to replace and an estimated cost. Then move forward with policy. Seconded by Trustee Wanggaard. Motion carried unanimously.

4. Comprehensive Property Maintenance Code

This came from the Community Development Authority (CDA) where there was discussion about blighted properties in terms of maintenance. A lot of the complaints received are anonymous. There is concern about how this might be enforced with the current staff and how can these be looked at justly without it being a neighbor dispute.

Trustee Martin stated that when it was initially discussed it was discovered that there's no real process and that people don't call to complain and felt that they were concerned about calling because of retaliation. She felt there isn't an issue with anonymous complaints especially where areas and buildings are blighted. There isn't a good mechanism in terms of dealing with it, and that they might receive a citation and it continues without any resolution. Trustee Martin use the foreclosure on 6 mile with a ½ a garage, and his barn/home is deteriorating and there is nothing that could've been done to rectify that, as an example.

Attorney Ekes explained that there are Health Ordinances in the book in regards to animals, and junk properties. There is also a Nuisance Ordinance as well as Offense Ordinances that deal with junk and rubbish. There are citations issued and the Police Officer's do follow up with the Building Inspectors if it is a building related issue or just inspecting the property from time to time. This is not an officers primarily focus. When there are structures that are up for discussion, when raise procedures are brought up it can get expensive and there is an issue where the Village would need to absorb that expense. Christensen thought we should continue to use that ongoing enforcement. This is where we could raise a house a year, and the Board would need to be willing to take property (there is a process and it's expensive). The property being seized could be a County issue, but most of the properties are up to date on taxes, the properties are just not being maintained. The condemned properties have been plaque carded stating they're not habitable, but owners remove the signs and sneak back in. At some point it needs to be enforced.

Trustee Wanggaard thought if the property is structurally deficient, than we should take action and follow through (nuisance property). He thought we should look at the businesses and homes that are blighted in terms of structure and sanitary issues. In terms of clean up, if there is a list then we are able to get in on those that are flagged for health concerns. We have the proper Ordinances in the books, but don't want to pull pieces of the health code at the risk of having inconsistent provisions. Attorney Ekes thought it was a matter of enforcement. The inspectors might have authority to call for raise orders, but the Board would need to have the funds to follow through. Just like the Western Publishing Building but was not raised and was rather going to be developed. Comprehensive maintenance code was drafted in 2012 for the Village of Caledonia, but they were not interested in going through with that at the time.

Trustee Prott was concerned that the process would ultimately become an issue, and didn't want there to be an instance where the elderly would be evicted based on "paint peeling". He thought there could be a placement under the FAQ portion of the website in order to make the Ordinances and their information more available to the public. There is a submission contact on the website for any of those

who want to contact the Village to make a complaint. Trustee Prott thought this should be reviewed case-by-case, and isn't comfortable with this being instituted as a policy across the Board. Staff identifies something they feel fits the criteria and move to the Board before any action is taken, and where approval is necessary.

Community Development Authority is charged with the task of dealing with blighted properties, the process will be brought in front of the Board. Trustee Benkowski brought up the idea of having an intern brought in to document data of potential blighted properties (and potentially sidewalks in disrepair), where if they photograph what might be of interest, and it could then be forwarded to inspectors. The Community Development Authority taking care of the blighted properties focus should be on the business areas, and any building that may be on Douglas Ave that would need to be removed. There could be a "top ten list" that could be comprised to tackle the worst properties first.

No action taken at this time.

5. Vacant Property Registration Ordinance 01:18:00

This also came from the Community Development Authority; they are creating an inventory of not only blighted properties but also vacant properties. Trustee Wanggaard thought registration could be advertised with a newsletter that would be going to the property owners during tax time. The focus is going to be on commercial vacant properties.

There was discussion about finding out the current owner/agents of these properties for current contact information. This contact information would be used as a tool for Police, Fire, and the Village. It's for commercial use only, which can be residential or business. Creating a list similar to the blighted properties isn't an issue, its having the capacity to keep the list up-to-date. The purpose is to prevent blight and to also forward that information to RCEDC to sell these vacant commercial properties. Follow up with Marty Kuehn about potential or current issues on how we might go about that. Also check with the Fire Department about their annual inspections and the properties that they've discovered are vacant (by way of who answers and who doesn't). The Police Department could also give information about properties that they're aware are vacant and an issue like the old Western Publishing building.

No action taken at this time.

6. Adjournment

There being no further business, Trustee Prott moved to adjourn the meeting at 5:54 p.m. Trustee Wanggaard seconded. Motion carried unanimously.

Respectfully submitted,

Joslyn Hoeffert
Deputy Village Clerk