

**Village Board Meeting
May 7, 2018**

1 - Order

President Dobbs called the Village Board Meeting to order at 7:00 p.m., at Village Hall, 5043 Chester Lane, Racine, WI.

2 - Pledge of Allegiance

3 - Roll Call

Board: Trustee Benkowski, Trustee Stillman, Trustee Wanggaard, Trustee Martin, Trustee Prott, and President Dobbs

Absent: Trustee Wishau was excused

Staff: Village Administrator Tom Christensen, Public Works Director Tom Lazcano, Village Attorney Chris Geary

4 - Approval of minutes

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

Regular Board meeting(s) – April 16, 2018

Special Board meeting(s) – April 16, 2018, April 23, 2018

5 - Citizens Reports/General comments from the audience

Carl Granetzke, 3505 4 Mile Road, spoke on behalf of 20+ families in the area as part of an organization called “Residents for a Safe 4 Mile Road”. He spoke about the traffic, drinking and litter on 4 Mile Road and stated he wants on going enforcement to control the speeding issues. He also brought a bag of beer cans that he said was picked up out of his yard over several months. He complained about the dump trucks and thought it increased the risk of potential accidents, specifically when residents are backing out of their driveways.

Ray Lentz, 7124 Highway 38, he wanted to beg the new Trustees to clean up the disgusting habits and attitudes of the current leaders. He has given 44 presentations in hopes of improving the leadership in the community, and felt him exposing serious faults of those in power has made him into the enemy. He felt he was a huge asset to community, and has been honorable in conducting business. Lentz claims the Board are liars and disrespectful to handicaps. He feels they make up their own rules, and that these issues are hurting the integrity of the community.

6 - Communications and Announcements

6A - Update on the Western Publishing Building

Christensen said they had a great meeting with Eric Gallien of Racine Unified last week and they are putting the Unified building on the market.

President Dobbs welcomed the newly elected board members, Fran Martin and Dale Stillman.

7 - Committee Reports

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

Motion by Trustee Benkowski to approve the A/P checks as presented. Seconded by Trustee Prott. Motion carried unanimously.

General Fund	Check No's 76966-77076	in the amount of \$587,329.90
Parks Enterprise	Check No's 6258-6262	in the amount of \$6,654.09
Joint Health	Check No's 12469-12496	in the amount of \$200,108.41
Joint Parks	Check No's 8688-8696	in the amount of \$10,826.68
Charge Cards	03/26/18 – 04/25/18	in the amount of \$23,505.00

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

Motion by Trustee Prott to approve 2017-2018 Operator's License as presented. Seconded by Trustee Benkowski. Motion carried unanimously.

8 - Ordinances and Resolutions

8A - Ordinance 2018-05 – 1st and 2nd Reading and Possible Adoption – An Ordinance To Amend Zoning Districts Of The Zoning Map Adopted Under Section 20-212 Of The Racine County Code Of Ordinances As Adopted By The Village Of Caledonia Under Section 16-1-1(A) Of The Code Of Ordinances Of The Village Of Caledonia Approving A Request To Rezone ±0.54 Of An Acre From B-4 Planned Business District To A-2 General Farming And Residential District II; NW ¼ Of Sec. 6, T4N, R22E, 8627 Highway 41, Village Of Caledonia Racine County, Wisconsin

Motion by Trustee Wanggaard to suspend the rules and take up 1st and 2nd reading of Ordinance 2018-05. Seconded by Trustee Prott. Motion carried unanimously.

Motion by Trustee Wanggaard to suspend the rules and read Ordinance 2018-05 by title only. Seconded by Trustee Prott. Motion carried unanimously.

Clerk read the title.

Motion by Trustee Wanggaard to approve Ordinance 2018-05. Seconded by Trustee Prott. Motion carried unanimously.

8B - Resolution 2018-38 – Resolution Authorizing The Awarding Of A Contract For Bituminous Concrete Surfacing In The Village Of Caledonia For 2018

Lazcano explained that this Resolution is in reference to an asphalt contract for bituminous concrete surfacing for the Village. There was a bid opening held on Wednesday, May 2nd at 1:30 p.m. There were two bidders, with Payne & Dolan being the lowest bidder at \$56.80/ton. Lazcano recommended approval.

Motion by Trustee Benkowski to adopt Resolution 2018-38. Seconded by Trustee Prott. Motion carried unanimously.

8C - Resolution 2018-39 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use To Park A Commercial Vehicle (Dump Truck), 13140 4 Mile Road, Sec. 19, T4N, R22E, Village Of Caledonia, Racine County, Wisconsin, Mark Gracyalny, Applicant

Lazcano stated that Mr. Gracyalny has requested permission to park his dump truck at his home on 4 Mile Road. This is a Conditional Use Ordinance so he must request permission. He did receive approval from the Plan Commission.

Motion by Trustee Wanggaard to approve Resolution 2018-39. Seconded by Trustee Benkowski. Motion carried unanimously.

8D - Resolution 2018-40 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use To Construct And Utilize A Village Of Caledonia Highway Department Garage Building, 6922 Nicholson Road, Sec. 16, T4N, R22E, Village Of Caledonia, Racine County, Wisconsin, Village Of Caledonia, Applicant

Lazcano explained this Resolution is in regards to the Department of Public Works Highway Garage Building. There was a Public Hearing held by the Plan Commission on Monday, April 30, 2018 on this request and was approved.

Motion by Trustee Prott to adopt Resolution 2018-40. Seconded by Trustee Benkowski. Motion carried unanimously.

8E - Resolution 2018-41 – A Resolution To Approve A Site Plan To Occupy An Existing ±12,800 Square-Foot Commercial Building And Site With A Construction Equipment Rental, Sales, And Service Business Known As Ahern Rentals; 3516 Ten Point Lane, Top Flight LLC, Owner; Dan Oakes, Applicant, Under The Cooperative Plan Dated November 12, 2009 Between The Village Of Caledonia And The Town Of Raymond Adopted Under Sec. 66.0307, Wis. Stats. Site Plan Review to occupy an existing ±12,800

Trustee Benkowski recused himself from discussion and action of this item.

Lazcano stated this is regarding the Ahern Property that came before the Plan Commission on April 30, 2018. The owner has requested a Conditional Use to operate Ahern's Trailer & Truck at this site. This was approved by the Plan Commission and Lazcano recommended approval as well.

Motion by Trustee Wanggaard to adopt Resolution 2018-41. Seconded by Trustee Prott. Motion carried, 5/1 abstention.

8F - Resolution 2018-42 – Resolution Of The Village Board Of The Village Of Caledonia To Approve A Development Agreement For Cascade Ridge Subdivision Final Plat– Parcel ID 51-104-04-23-30-089-010 And 51-104-04-23-30-059-010 / NCS, LLC, Owner / Nancy Washburn, Agent Caledonia Highway Department Garage Building, 6922 Nicholson Road, Sec. 16, T4N, R22E, Village Of Caledonia, Racine County, Wisconsin, Village Of Caledonia, Applicant

Attorney Geary spoke about two last minute changes. There is a personal guarantee written into the current Agreement as an extra layer of protection on top of the Letter of Credit that is also being posted. Under the Village Ordinance developers are required to post a personal guarantee. There was statutory change implemented on April 4, 2018. Because of that change, all they can do now is insist on a Performance Bond or a Letter of Credit, and there is no longer an authority to insist on a personal guarantee. Although the Village Ordinance does ask for it, the statute negates it so they are asking to have that provision removed from the Agreement. There was also

some updated numbers that Nancy Washburn sent over to Attorney Ekes for construction costs, which is the base of the Letter of Credit that is to be posted (120% of the estimated construction costs and is \$50,000 less than the numbers in the Agreement, subject to the Engineer's review and agreement. Mr. Leffler is requesting that the Agreement be amended to reflect the lower numbers. A Letter of Credit is easier to deal with opposed to a Performance Bond.

Nancy Washburn explained another last minute change, specifically the Letter of Credit. They would like it to be a draw down Letter of Credit reduction once the events such as asphalt and the final lift have been done and approved by the Village. The way the Agreement reads now, they have to borrow twice for the same element. They want the binder and the lift treated the same way as other improvements or to allow them to take it out of the Letter of Credit and replace with cash that would be held until the site has been paid. Specifically, they are asking for allowance to remove binder and asphalt from the Letter of Credit and to replace it with a cash payment of the dollar amount that is represented in the Letter of Credit. When the paving is complete, the cash payment is there similar to the Letter of Credit with the amount there we have the ability to draw from that amount when we get the bill. Due to the recent request, the attorney would like to see the language in the contract before action of the Board. Trustee Wanggaard liked the concept but agreed that we need to see the language.

Motion by Trustee Benkowski to lay over table Resolution 2018-42. Seconded by Trustee Martin.

After further discussion, the Board decided to approve subject to the attorney changing the language in the Agreement as discussed in order to move the process along.

Motion by Trustee Benkowski to rescind his previous motion to lay over Resolution 2018-42. Seconded by Trustee Martin. Motion carried unanimously.

Motion by Trustee Benkowski to approve Resolution 2018-42 subject to language change in the Agreement to include removal of the personal guarantee language, the Letter of Credit being lowered to the number reflected in the most recent proposal pending approval from the Village Engineer, language change to pick up the cash deposit and remove the Letter of Credit with respect to the binder services and some grammatical changes. Seconded by Trustee Martin. Motion carried unanimously.

9. New Business

9A - Variance Request for Detached Oversized Structure/Pole Barn with Lean-to/ 3718 W. Johnson Ave

One neighbor inquired about the structure, but there were no objections. Tracie Newell, Owner of 3718 W. Johnson Ave., spoke of a recent change in the design from the original 40' x 54' detached structure. Since the submittal they have decided to go with bigger poles (9') and now the structure is 2' bigger and is now measuring at 40' x 56' with the lean being 2' smaller. Lazcano stated they still recommended approval.

Motion by Trustee Prutt to approve a Variance Request for Detached Oversized Structure/Pole Barn with Lean-to/ 3718 W. Johnson Ave, with revisions and per conditions outlined in memo from Public Works Director dated April 30, 2018. Seconded by Trustee Wanggaard. Motion carried unanimously.

9B - Special Event Permit Application – Hops Head, Kenneth Michel, Jr. & Molly M. Michel

Jim Svoboda of Joint Parks spoke about how this will be the first permanent beer garden as an attraction for family friendly based amenities and similar beer gardens have been proven to be successful in surrounding municipalities. There is a three year contract with a revaluation each year. The Agreement is essentially a lease and if an issue were to arise it could be addressed annually when the license is up for renewal.

Joint Park Commission approved and Svoboda recommended approval with a projected date of May 31st as a grand opening.

Trustee Wanggaard asked about what part of the park the beer garden would be located? It will be in shelter area #3 which is the one closest to the bathrooms, and didn't originally have electric or water so isn't in high demand for rentals. It also hosts the most parking, and is most visible from the road. There is a defined area for the beer garden where they must stay with intoxicants and cannot roam the park with the beverages.

Motion by Trustee Benkowski to approve the Special Event Permit for Hops Head. Seconded by Trustee Martin. Motion carried unanimously.

9C - Six Month Class B Beer And Wine Licenses – Hops Head, Kenneth Michel, Jr. & Molly M. Michel

Ken Michel and Molly Michel were present and spoke about hours and the sunset schedule they adhere to. They have a background in operating concessions that has prepared them for the beer garden and their goal is to have an active role with the police department to address any issues immediately. The higher price point is the key to a beer gardens success as it doesn't lend itself to binge drinking but rather a family friendly experience. The beverages will be served in a pint glass to reduce any plastic waste/garbage and also controls the amount served. The pint glasses can either be purchased at the park, or may be brought from home.

Motion by Trustee Benkowski to approve the six month Class B Beer and Wine Licenses for Hops Head. Seconded by Trustee Prott. Motion carried unanimously.

9D - Application for Fireworks Display by Melrose Pyrotechnics Inc., at Joint Parks (Kraut Fest event)

Jim Svoboda presented, this is for the fireworks display at Kraut Fest. Chief Roeder has already inspected the plans and approved.

Motion by Trustee Wanggaard to approve the Fireworks Display by Melrose Pyrotechnics at the Joint Park for Kraut Fest. Seconded by Trustee Benkowski. Motion carried unanimously.

9E - Appointment to the Park and Recreation Commission

President Dobbs appointed Kathy Trentadue to the Park and Recreation Commission.

Motion by Trustee Wanggaard to approve the appointment of Kathy Trentadue to the Park and Recreation Commission. Seconded by Trustee Prott. Motion carried unanimously.

9F - Appointments to the Joint Park Commission

President Dobbs appointed Ed Willing and Kathy Trentadue to the Joint Park Commission.

Motion by Trustee Wanggaard to approve the appointments of Ed Willing and Kathy Trentadue to the Joint Park Commission. Seconded by Trustee Prott. Motion carried unanimously.

9G - Appointment to the Sex Offenders Residency Appeals Board

President Dobbs appointed Ken Rusch to the Sex Offenders Residency Appeals Board.

Motion by Trustee Wanggaard to approve the appointment of Ken Rusch to the Sex Offenders Residency Appeals Board. Seconded by Trustee Prott. Motion carried unanimously.

9H - Appointment to the Police and Fire Commission

President Dobbs appointed Kathy Kasper to the Police and Fire Commission.

Motion by Trustee Wanggaard to approve the appointment of Kathy Kasper to the Police and Fire Commission. Seconded by Trustee Prott. Motion carried unanimously.

9I - Reappointments to the Utility Commission

President Dobbs reappointed Mark Brigman and Tony Minto to the Utility Commission.

Motion by Trustee Prott to approve the reappointments of Mark Brigman and Tony Minto to the Utility Commission. Seconded by Trustee Martin. Motion carried unanimously.

9J - Utility Commission liaison Reassignment

Trustee Dobbs switched Lee Wishau to the Utility Commission as Board liaison.

Motion by Trustee Prott to approve the appointment of Lee Wishau as Board liaison to the Utility Commission. Seconded by Trustee Benkowski. Motion carried unanimously.

9K - Public Works Committee Reassignment

President Dobbs switched Dale Stillman to the Public Works Committee.

Motion by Trustee Prott to approve the appointment of Dale Stillman to the Public Works Committee. Seconded by Trustee Martin. Motion carried unanimously.

9L - CDA liaison Reassignment

President Dobbs switched Fran Martin to the CDA as Board liaison.

Motion by Trustee Prott to approve the appointment of Fran Martin to the CDA as Board liaison. Seconded by Trustee Benkowski. Motion carried unanimously.

10 - Report from Village Administrator

Christensen brought up that the lawn around Village Hall needs some work with patching and fertilizing, and that will be addressed.

11 - Adjournment

Motion by Trustee Wanggaard to adjourn. Seconded by Trustee Benkowski. Motion carried unanimously.

Meeting adjourned at 8:01 p.m.

Respectfully submitted

Karie Torkilsen
Village Clerk