

**Village Board Meeting
May 21, 2018**

1 - Order

Trustee Wishau 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 Trustee Wishau

Absent: President Dobbs was excused

Staff: Village Administrator Tom Christensen, Public Works Director Tom Lazcano, Utility Director Anthony Bunkelman and 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 Benkowski. Motion carried unanimously.

Regular Board meeting(s) – May 7, 2018

Special Board meeting(s) – May 7, 2018

5 - Citizens Reports/General comments from the audience

Ray Lentz, 7124 Highway 38, his presentation was focused on the Village Administrator which he referred to as “CA”. Mr. Lentz stated after his initial presentation he had a serious operation where he was promised accommodations such as a microphone where he stood, and the CA did not follow through when he was on crutches. Mr. Lentz did not agree with the CA’s continued insistence that the neighboring property business is not in zoning violation. He felt the CA was contradictive in his letters, and spoke about illegal fires being swept under the rug and being wrongly classified. Mr. Lentz also spoke with Zoning Administrator and questioned why he wasn’t enforcing zoning requirements? He alleged that the Zoning Administrator told him that the authority is transferred to the CA. Mr. Lentz doesn’t expect perfection but thought the important position of Village Administrator should be held by someone that is honest and willing to work for the entire community.

6 - Communications and Announcements

6A - Update on the Western Publishing Building

Christensen said there has been no development since last meeting.

7 - Committee Reports

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

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

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| General Fund | Check No's 77077-77151 | in the amount of \$422,667.80 |
| Parks Enterprise | Check No's 6263-6266 | in the amount of \$1,239.14 |
| Joint Health | Check No's 12497-12507 | in the amount of \$18,811.36 |
| Joint Parks | Check No's 8697-8701 | in the amount of \$1,668.40 |

7B(1) - Approval of 2018-2019 Operator's Licenses (Bartenders)

Motion by Trustee Prott to approve 2018-2019 Operator's License as presented. Seconded by Trustee Wanggaard. Motion carried unanimously.

7B(2) - Grant 2018-2019 Renewal Class A and Class B Beer & Liquor Licenses

Motion by Trustee Prott to grant 2018-2019 Class A and Class B Beer and Liquor Licenses as presented. Seconded by Trustee Wanggaard. Motion carried unanimously.

7C(1) - Blasting Permit Renewal for Payne & Dolan Racine Quarry

Lazcano explained that Payne & Dolan have submitted all necessary documents required for the Explosives Use Permit & Non-Metallic Mining Permit renewal for the quarry located on Douglas Avenue and 3 Mile Road. The Village requires an annual renewal for these operations. Staff has reviewed the documents and everything appears to be in order. At the May 9th Public Works meeting, an issue of dust was discussed. Payne & Dolan sent someone out on May 17th to investigate the complaint and replied with a letter of their discovery that was provided to the Board. Approval is recommended subject to an updated license blasters list.

Trustee Benkowski brought up that the day after the Environment Inspector came to Payne & Dolan the dust was so intense that there appeared to be a leaf fire. Although, he doesn't have the technical background to speak on dust issues, he felt that if he had to turn on his windshield wipers to remove excess dust for visibility – there's an issue. He felt that with the surrounding neighbors, businesses and nearby school, there should be control over the amount of dust created. He thought that if the particulates hung in the air there is a risk that it may be inhaled.

Ron Last was present regarding his car dealership on Douglas Avenue. He feels that in the last two to three years the dust issue has increased and is at its worst when they are loading train cars. He mentioned that he, along with the Board members were supposed to be given a packet or handwritten Resolution by Payne & Dolan for the dust situation in which he did not receive. Lazcano addressed the bullet points in the letter provided to the Board that stated how they were going to deal with the dust moving forward: *increasing the monitoring to ensure compliance with the air permit; increasing sweeping on Douglas Avenue; using more water on roads and crushers during dry periods; and watering stockpiles.* There was discussion regarding possibly having a third party look into the dust issue. Clint Meyer, the Geologist with Payne & Dolan was present and stated they have been operating the same as when it was Vulcan. They also employ the same people including the Site Manager. He stated that they have been working with Ron Last on the dust issue with his car dealership. In an effort to reduce the dust they have been: *watering down in front of the face by the shoot; watering the quarry floor down; watering material on the conveyer that loads the railcars; using ample water on the road ways; watering the crushing plant and processing facility and are also looking into putting a water spray bar on top where the railcars are loaded.* All of this is monitored daily by Payne & Dolan employees and a recorded log is kept of all the dust combative methods they are using. They also employ two full time Environmental Managers that assist the employees to ensure they're in compliance with their

DNR permits. Dave Klein the Plant Manager from Payne & Dolan was present and was also there when Vulcan owned the quarry. He stated they are running the same as before - same equipment, same water screen systems, and same dust compression system. He stated they are actually more diligent on the watering, and have increased the amount of street area being swept. Discussion continued regarding dust coming up from the quarry itself. Air monitors were suggested and an independent agency to monitor the issue that might provide real data that is needed to address the concerns. Klein stated that this is something that would be looked into, and he would speak to Payne & Dolan's environmental people. Christensen suggested contacting the DNR to investigate the operations to find out if there is an issue with their quality permit, because they have the resources to investigate if there is an issue. Trustee Benkowski felt the Board should limit the quarry's operations until this is reviewed. Christensen stated that the DNR functions on their own timeframe and it wouldn't be the best idea to cease the quarry's entire operations. Lazcano cited Ordinance 7-11-9 surrounding permit renewals in which "permit renewals may be conditioned upon correction of any unanticipated environmental impacts occurring during the original or renewal permits", meaning that we can look into it while they operate. Attorney Ekes suggested that they allow staff a few weeks to evaluate and review with the DNR.

Motion by Trustee Wanggaard to lay over the blasting permit renewal for Payne & Dolan Racine Quarry in order for the DNR to investigate the operators and to bring it back to the next board meeting for an update. Seconded by Trustee Prott. Motion carried unanimously.

8 - Ordinances and Resolutions

8A - Resolution 2018-36 – Resolution Authorizing the Reclassification of the Building Manager to Senior Building Inspector Position

The Public Works Director will oversee the Building Department employees, which would eliminate the need for a Building Department Manager. The current Building Inspector Manager's title would be reclassified as Senior Building Inspector. The wages would remain unchanged for 2018/2019 because of the reduction in Department Head responsibilities. This was approved by the Personnel Committee, and recommended approval.

Motion by Trustee Prott to adopt Resolution 2018-36. Seconded by Trustee Benkowski. Motion carried unanimously.

8B - Resolution 2018-43 – Resolution Of The Village Board Of The Village Of Caledonia To Approve A Revised 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

Attorney Ekes recommended a few additions to the approval of the Agreement.

Nancy Washburn was present and stated their real concern was fairness specifically dealing with the Legal Action section 34(r) of the Agreement. They would like to delete the language that states that "the Village and/or Utility District shall be entitled to collect from the Developer and Contractor statutory costs and disbursements, plus its actual attorney's fees and costs" She believed the Agreement is unique to them and if the Village so agreed, it could be omitted.

Attorney Ekes stated that although each Agreement may be uniquely structured, there is always standard language in them to protect the Village. Trustee Martin felt the only person who benefits from omitting that particular language is the Developer and as a representative of the Village and its citizens she would not agree to its omission and putting the Village on the hook for the possibility of paying for potential lawsuits of any kind. She was opposed to the precedence it sets. Trustee Benkowski agreed it put forth a bad precedence. Nancy Washburn felt it was an

Agreement that was specific to this development and this developer. Attorney Ekes stated that there are standard Agreements where the language remains the same so that the developers are treated the same.

Motion by Trustee Prott to adopt Resolution 2018-43. Seconded by Trustee Wanggaard.

Motion by Trustee Prott to amend his initial motion to include the first three changes to the Agreement as discussed - Page 17 Sec. 9(a), changing the work “including to “excluding”; Page 19, second paragraph Sec. 9(b) adding the works “and/or Cash Bonds” and Page 20 Sec. 9(c) adding the word “project” but not the change to the Legal Action section 34(r). Seconded by Trustee Wanggaard. Motion carried unanimously.

8C - Resolution 2018-44 – Relocation Order Of The Village Of Caledonia Affecting Properties South Of 4 Mile Road And In Or Adjacent To The Deback Farms Business Park In The Village Of Caledonia, Racine County, Wisconsin

Bunkelman explained that they are working towards providing sanitary sewer service, water service and looking at 4 Mile Road being a northern access point for Deback Farms Phase III. The best method to bring sanitary sewer to serve Phase III and future Phases in development to the north of 4 Mile Road is to run a regional interceptor sanitary sewer directly north of Deback Lane to 4 Mile Road in a permanent easement, and then easterly and westerly along the south side of 4 Mile Road, utilizing various permanent and temporary construction easements. It was also discovered that the existing right-of-way on 4 Mile Road is substandard and that improvements must be made to ensure this route remains safe for use along 4 Mile Road and for trucking to and from the business park. He specified the two easements would be: (1) a 15 foot temporary construction easement and a 30 foot temporary construction easement needs to be acquired from DNKC Property Management, LLC; (2) a 15 foot temporary construction easement and 20.25 feet of fee simple land interest for public right-of-way need to be acquired from Four Mile Road. Christensen stated that this is fiscally more prudent for WisPark and us and allows us to do more with it in the future.

Motion by Trustee Benkowski to adopt Resolution 2018-44. Seconded by Trustee Prott. Motion carried unanimously.

9. New Business

9A - Variance Request for Detached Oversize Structure/Pole Barn at 4748 Short Road

Applicant was present and agreed to the conditions. There was no opposition from any neighbors.

Motion by Trustee Prott to approve a variance request for oversized structure/pole barn at 4748 Short Road subject to conditions outlined in memorandum dated May 10, 2018 by Public Works Director. Seconded by Trustee Benkowski. Motion carried unanimously.

9B - Variance Request for Oversized Structure/Garage addition at 4008 Nicholson Road

Applicant was present and agreed to the conditions. There was no opposition for any neighbors.

Motion by Trustee Wanggaard to approve a variance for oversized structure/garage at 4008 Nicholson Road subject to conditions outlined in memorandum dated May 10, 2018 by Public Works Director. Seconded by Trustee Prott. Motion carried unanimously.

9C - Caddy Vista Sanitary Sewer Option Recommendation

Bunkelman explained that at the May 2nd Utility District meeting the Utility District reviewed 2 Options for Sanitary Sewer in the Caddy Vista West Basin Area.

Option 1 uses the existing route for sanitary sewer which is near the Root River. This route is hard to maintain, difficult to access, and has had issues in the past with erosion of the banks of the Root River exposing the sanitary sewer. The Utility District has repaired some sections of this pipe in the past due to erosion. This Option includes the rehabilitation of existing manholes, new manholes, spot repairs of Sanitary sewer, lining of sanitary sewer, a new lift station, relay of sanitary force main and a sanitary sewer line for Jellystone Park. The estimated cost for Option 1 is approximately \$2.8 Million dollars.

Option 2 also in your packet shows a rerouted sanitary sewer on Root River Drive, Caddy Lane & Duane Court. This would replace the sanitary sewer line along the Root River. This Option includes relaying and upsizing of sanitary sewer, new manholes, spot repairs of sanitary sewer, lining of sanitary sewer, a new lift station, relay of sanitary force main and a sanitary sewer line for Jellystone Park. The estimated cost for Option 2 is approximately \$4.1 Million dollars.

Both Options for Sanitary Sewer require the construction of a new lift station in Caddy Vista. The current lift station will not be able to handle the sanitary sewer flow as projected in the Utility District's Facility Plan Area. (Both Caddy Vista West Basin and Caddy Vista East Basin)

Also included in both Options is the watermain extension that will be required with the Jellystone Park Expansion Project. The watermain extension is located along Highway 38, has a cost of approximately \$285,000 and the majority of it will be picked up by Jellystone Park.

The Utility District recommended Option 2 because it will be more cost effective in the long term to relocate the Sanitary Sewer away from the Root River instead of spending money on lining the sanitary sewer and still having access and maintenance issues.

The Utility District had anticipated that the Village Board may ask how this work would be paid for. The Utility District has budgeted \$3.2 Million dollars for Caddy Vista.

Sanitary Sewer is in the 2018 Capital Improvement Program. Jellystone Park will contribute approximately \$192,000 leaving approximately \$708,000 to come out of the Utility District budget from, sewer replacement fund, savings from other projects or reserves or additional borrowing. The Utility District will be discussing further plans and options for the remaining portion of the necessary funds.

Trustee Benkowski asked if the Utility District were to be asked to help with the Mt. Pleasant Sewer Agreement would they still have the funds for this project? Trustee Martin asked questions about Option 1 as being less costly.

Motion by Trustee Prott to authorize the Caledonia Utility District to proceed with Option 2 for sanitary sewer in the Caddy Vista area and to investigate options for its funding. Seconded by Trustee Benkowski. Motion carried unanimously.

9D - Appointment to the CDA

Motion by Trustee Martin to appoint Linda Hoover to the CDA. Seconded by Trustee Benkowski. Motion carried unanimously.

10 - Report from Village Administrator

Remember that this Monday is Memorial Day.

11 - Adjournment

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

Meeting adjourned at 8:36 p.m.

Respectfully submitted

Karie Torkilsen
Village Clerk