

**Village Board Meeting
June 4, 2018**

1 - Order

President Dobbs called the Village Board Meeting to order at 7:07 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, 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 21, 2018

5 - Citizens Reports/General comments from the audience

Therese Bode, 756 Waters Edge Road, stated she is one of the three individuals in her neighborhood who have been present and vocal about the status of the Western Publishing building. She spoke of sending an email to the Board that shared the perspective of the neighborhood and what is going on with the property. They are concerned and disappointed with the progress thus far. The email consisted of a series of questions that she hoped would generate a conversation. She asked that they prepare answers to her questions, but did not expect answers tonight. She warned that the tone of the email will be pointed and said that it comes from a place of frustration. She reminded them that they hold jobs that benefit the Village and that they are seeking to make progress on a situation that needs to be resolved and hoped they could all work together. She stated that the residents of the neighborhood are professionals and wish to help and offer valuable expertise to help resolve this situation.

Wendy McCalvy, 4825 Richmond Drive, is present because she attended the Parks Commission meeting last month where a new Parks plan is being reviewed and redone. She thought it looked nice but is concerned that there isn't enough focus on open space. She felt the Caledonia Conservatory (which she helped form) should be part of the

planning process. She stated she would be attending the next meeting in July. She also requested that future notices not be posted next to the wanted ads in the paper, because it was difficult to find. (**Placement of notices is controlled by Journal Times – not the Village**) She felt there should be a small piece prepared for these meetings that gives an overview so people are more informed. She thought that the additional paragraph could be sent to Journal Times and printed in the paper for free.

John Batten, 704 Waters Edge Road, echoed what Therese Bode stated in regards to the neighborhood residents wanting to help. With his experience in construction in old facilities, he felt that there was no way a contractor could do something with the Western Publishing building, or Olympia Brown. He thought both of those buildings need to be torn down. He felt Unified should be held to their original intent of tearing down Olympia Brown School and building a new one. Dr. Woods needs to address the facility and take it down.

Samuel Christensen, Clerk of Circuit Court of Racine County, 730 Washington Ave, was present and offered his services for any questions people may have.

Roseann Merrill(?), lives next door to the Western Publishing building and thought the Village would make a ton of tax dollars versus what they're getting now. She cited her years of experience in accounting.

Jane Batten, 704 Waters Edge Road, also spoke about the Western Publishing building specifically regarding how much say the neighborhood has in selling of the property to a developer. She brought up Act 67 which limits Government control but also citizens input for the proper use of the land in their neighborhood. She also has some zoning concerns of that area, and currently it is planned as urban and nonresidential space. She wondered if that could be changed.

6 - Communications and Announcements

6A - Update on the Western Publishing Building

Christensen stated that since the previous deal fell through, the raze order is being reinstated for the Western Publication building. Racine Unified is looking at relisting the Olympia Brown building and hopes to sell it.

President Dobbs stated that there is an upcoming meeting with Unified regarding the Olympia Brown building. He hopes another developer would come in, but in the meantime, they have to move forward with just one building (Western Publishing) and give Unified more time to figure out what to do with Olympia Brown. He empathized with the neighbors and stated that raze orders take time.

Attorney Ekes clarified that the raze order has not been issued. The Administrator requested her firm put the raze order together it has been instituted but not issued. This means that they still need to finalize the preparation and then serve the property owner and any lien holders that might exist. Then the property owner has a period of time in which they may comply and seek the raze permit. Under the circumstances she suspects they won't go that route, but rather repeal the issue in Circuit Court where the Village will ultimately be in litigation over the raze order. There could be some priority given to

it by the Circuit Court because it is a raze order appeal. But that could take a long time, if it goes to trial it could take months to a year or more if it is appealed beyond that. They have reached out to the property owner to discuss options again, and she is awaiting a callback.

Therese Bode requested a sit down and respected that this forum isn't the place. She felt there was a deep misunderstanding and sought clarification. She appreciated the tolerance, but would like to set up a meeting with President Dobbs, the Administrator Tom Christensen, and Attorney Ekes to gain a better understanding.

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.

General Fund	Check No's 77152-77203	in the amount of \$379,441.79
Parks Enterprise	Check No's 6267-6270	in the amount of \$1,629.13
Joint Health	Check No's 12508-12525	in the amount of \$3,709.07
Joint Parks	Check No's 8702-8704	in the amount of \$1,261.27
Charge Card	4/26/18- 5/25/18	in the amount of \$34,006.79

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 Martin. 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 and Non-Metallic Mining Permit Renewal for Payne & Dolan Racine Quarry

Anthony Bunkelman presented. At the previous Village Board meeting the Board laid-over the annual blasting permit in order for the DNR to investigate the operators and bring it back to the Board for an update. The Public Works Director has spoken with the DNR about this issue as requested. Craig Stemler from the SNR responded with an email which is included in the Board packets. A few points to highlight in the email are:

The WDNR has classified this source as Synthetic Minor under Title 5 of the Clean Air Act. This means they have permit conditions that limit them to less than 80% of the Major Source Threshold (about 80 tons/ year of emissions). Sources in this size category are not usually inspected. The last inspection of this site was April 24, 2011 and they were determined to be in compliance with their permit requirements at that time.

The WDNR relies on company submittals like monitoring reports, compliance certification and malfunction reporting to assess the compliance status of the sources. The facility is also required to follow all applicable requirements in their permit, including requirements in their fugitive dust plan. Complaints are considered relative to whether further investigation of the issue is warranted. In the case of the Payne & Dolan – Racine Quarry, the WDNR Air Management Program will accept the additional follow-up activities described in their May 18, 2018 letter and ask Payne & Dolan to include any activities arising from their proposal in the end of year monitoring report. The DNR also indicates they do not have any dust complaints logged for the Racine quarry. There are two locations where those complaints can be made, via a phone number or online via their website.

In addition, the Public Works Director has reached out to TRC. TRC performs air quality/sampling/screening services. TRC has provided a proposal to perform 4 tasks. Those 4 tasks are: Monitor ambient air; determine the instrument calibration constant; evaluate air monitoring data; & prepare project deliverables. The cost for this work is \$5,750.00 (a 10 hour day, and getting all the reporting back). If the Board would like this work completed, he could provide a contract for the Board to execute.

After discussion, Village Attorney and staff offered the following as possible action:

1. Requiring the applicant to reappear before the Public Works Committee or Village Board to verify if dust is still a problem within 60 days.
2. If there are still complaints or concerns following the 60 day review, the Public Works Committee or Village Board (whichever is authorized) could authorize the Public Works Director to retain TRC or any other appropriate engineering firm that performs air quality testing, to review operations of the quarry and come back with that report to the Village Board. If the Board decides to move in that direction, and decides that that study/review is warranted then at that time the Board should either require:
 - a. The applicant would be required to reimburse the cost for the review or study, regardless if the study shows a negative impact of dust or other impacts from the operation that may be causing this dust issue. If it is found the applicant is in violation of the Ordinance, than the applicant would have to implement changes to the operation to correct that violation.
 - b. If the review or study shows a negative impact of dust or other impacts from the operations that are in violation of the Village's Ordinances, then that applicant shall be required to reimburse the Village for the cost of that review or study and implement changes to the operation to correct the violations.
 - c. Implement the five action steps that are set forth in the applicants' letter dated May 18, 2018.

President Dobbs stated that this Blasting permit is an annual renewal that has been going on for the last 50 years. He wanted to see this move forward. Payne & Dolan will be asking for an expansion in the near future, and he felt at that time they would need to provide assurances. Studies performed will be at their cost to ensure that the mine is safe for people to live around for the next 20 years.

There was discussion about the dust issues in the community, and how stringent they're going to be with other dust creators, such as farming. The main concern is air quality.

Payne & Dolan representatives Brian Endres (Vice President) and Clint Weninger (quarry geologist) were present to speak. Endres stated that he heard the comments and agrees to a degree. He spoke about dealing with hundreds of mines across three states and doesn't want to be bad neighbors or become a health concern to anyone. The letter from the DNR is technical, the fact they haven't been onsite since 2011 doesn't mean the quarry is not in compliance. The DNR relies on the quarry certifying that they're in compliance, which sounds like a conflict of interest, but with an organization of their stature their environmental managers are subject to jail time if they falsify these records. They have a good, long-standing relationship with the DNR and have won awards for their facilities. Endres stated they can do the air monitoring and are confident there won't be any issues. They are governed by Mine Safety and Health Administration (MSHA), and they come in twice a year at random. MSHA hangs a dust and noise monitor on the employees who are working the closest to the source of dust and they are not even in violation of the permissible amounts that they can be exposed to. There is already an air monitoring station on Charles Street, and the challenge is that there are a lot of other things contributing to the dust on Douglas Avenue not related to Payne & Dolan. There is a gravel parking lot behind their operation that may contribute to the dust but if the owner regularly watered or treated it with calcium chloride it may help. They're looking to do more with Last Stop Motors and Mr. Last, because they believe in taking the tactic to help the community, even if the dust isn't definitively theirs.

Trustee Martin thought they could place an air monitor at the edge of the quarry and thought that would be definitive. Endres stated that it's possible, but there are other contributing environmental factors that are out of their control. For instance someone commented they washed their car on Saturday only to have it dusty by Sunday - but the quarry doesn't operate on the weekends, there are obviously other contributors. They hope to have regular contact with Mr. Last so that if they are causing an issue, they can use him as a baseline to see if the problem lessens while trying out different combative dust measures. They felt the TRC wouldn't give the Village the clarity it seeks, and felt that working with Mr. Last would prove to be more helpful in coming up with a solution (even more because he was the only one to complain). The cost of the TRC doesn't concern them; it's that they don't think the data will provide the answers the Village wants. They will continue to work with Mr. Last, but felt it was unfair if they couldn't run their business given their good track record.

President Dobbs didn't think there had been any other complaints from surrounding businesses in the last 5 years (K&R Auto, St. Rita's School, Oh! Dennis's Restaurant, Buca's Bar & Grill). Endres stated he spoke with St. Rita's and they have no issues at this time. President Dobbs stated that this is not enough to mess with this business, and wanted to approve this tonight and continue the discussion as they want to move forward.

Ron Last of Last Stop Motors, 4318 Douglas Avenue, was present and approached the Board with pictures dated May 17, 2018. The pictures showed dust on the windshield that he alleged was limestone dust. Mr. Last stated this has been an ongoing issue for 3-4 years. Previously he had to wash his cars every 1-2 weeks and it has escalated to 2-3 days. He stated this goes beyond his cars, and his worry is for the safety and health of the

people. He doesn't want to shut down the quarry but felt the permit should be amended. He stated he could circulate a petition to the neighbors and provide evidence if needed (such as scraping the dust off of his windows and testing it for limestone).

Attorney Ekes stated that the Village ordinance does require that the quarry keep detailed blasting logs and records with: dates and times of blasts, weather conditions, and blast locations. Village staff can review these logs and conference any complaints to determine if they correlate with those blasting dates and times. If they choose to approve the permit and put it on a review in order to look further into the complaints and corresponding dates. The quarry would also implement their five points in their letter in terms of action steps they intend to take to mitigate any potential issues.

Motion by Trustee to Martin to approve the permit subject to the 5 steps outlined in the letter from Payne & Dolan and also subject to requiring the applicant to reappear before the Public Works Committee or the Village Board to verify if dust is still a problem in 60 days. If there are still complaints or concerns raised out of the 60 day review, the Public Works Committee or Board could authorize the Public Works Director to retain TRC or another appropriate engineering firm to review the operations of the quarry and come back with a report to the Village Board. If the Board decides to go this direction and the Village Board determines that such a review is warranted the Board should require that the applicant shall be required to reimburse the Village for the cost of the review. If the review shows there is a negative effect from the dust or other impacts from the operations that are in violation of Village Ordinances, the applicant shall be required to implement changes to the operations to correct the violation. Seconded by Trustee Benkowski.

Motion by Trustee Martin to amend the motion to include that staff review the blasting logs to see if there is any correlation with dust complaints and blasting dates. Seconded by Trustee Benkowski.

Trustee Benkowski – aye
Trustee Stillman – aye
Trustee Wanggaard – nay

Trustee Martin – aye
Trustee Prott – nay
President Dobbs – nay

Motion failed, 3/3.

Motion by Trustee Wanggaard to approve the blasting and the nonmetallic mining permit and to direct staff to conduct appropriate reviews based on the complaints received that would include a review of the detailed blasting logs, to discover if there are an issues under the Ordinance. Seconded by Trustee Prott.

Trustee Benkowski – nay
Trustee Stillman – aye
Trustee Wanggaard – aye

Trustee Martin – nay
Trustee Prott – aye
President Dobbs – aye

Motion carried, 4/2.

8 - Ordinances and Resolutions

8A - Ordinance 2018-04 – 1st and 2nd Reading and Possible Adoption - An Ordinance to Amend Chapter 1 of Title 14 Ad 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

Motion by Trustee Wanggaard to suspend the rules and take up first and second reading of Ordinance 2018-04. Seconded by Trustee Stillman. Motion carried unanimously.

Motion by Trustee Wanggaard to suspend the rules and read Ordinance 2018-04 by title only. Seconded by Trustee Prott. Motion carried unanimously.

Clerk read the title.

Motion by Trustee Wanggaard to adopt Ordinance 2018-04. Seconded by Trustee Prott. Motion carried unanimously.

8B - Resolution 2018-45 – Relocation Order Of The Village Of Caledonia Affecting Properties Along Or Adjacent To Caddy Lane And Duane Court For Sanitary Sewer Main Improvements In The Village Of Caledonia, Racine County, Wisconsin

Bunkelman stated that this is the first step in obtaining three sanitary sewer easements for the Caddy Vista project.

Motion by Trustee Wanggaard to adopt Resolution 2018-45. Seconded by Trustee Martin. Motion carried unanimously.

8C - Resolution 2018-46 – Relocation Order Of The Village Of Caledonia Affecting Properties Along 4 Mile Road In The Village Of Caledonia, Racine County, Wisconsin

Bunkelman stated this is a relocation order for the 4 Mile Road project by the Deback Farms Industrial Park. This relocation order is for 8 temporary limited easements and for 1 fee taking for public right-of-way. They're seeking approval to proceed with the relocation order and to obtain the necessary appraisals for the project.

Motion by Trustee Wanggaard to adopt Resolution 2018-46. Seconded by Trustee Benkowski. Motion carried unanimously.

8D - Resolution 2018-47 – Resolution Authorizing The Village Of Caledonia To Enter Into An Agreement With PMA Securities, Inc., For Municipal Advisory Services

Motion by Trustee Prott to adopt Resolution 2018-47. Seconded by Trustee Benkowski. Motion carried unanimously.

9. New Business**9A - Variance Request for Oversize Detached Structure/Pole Barn at 6431 Northwestern Avenue**

Bunkelman stated that the applicant was here in 2017 for an oversized garage variance. At that time he was going to construct a 40'x50' building, and since then his plans have changed to relocate an existing garage on the property, as well as building a 30'x80' garage for a total garage area of 2,400 square feet. He recommended approval subject to the conditions. The property is about 1 acre, and standard letters have been sent out to the abutting property owners. There was no opposition from any neighbors.

Applicant was present and agreed to the conditions.

Motion by Trustee Wanggaard to approve a variance request for oversized structure/pole barn at 6431 Northwestern Avenue subject to conditions outlined in memorandum dated May 30, 2018 by Public Works Director. Seconded by Trustee Prott. Motion carried unanimously.

10 - Report from Village Administrator

Nothing to report at this time.

11 - Adjournment

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

Meeting adjourned at 8:25 p.m.

Respectfully submitted

Karie Torkilsen
Village Clerk