

**Village Board Meeting
July 2, 2018**

1 - Order

President Dobbs called the Village Board Meeting to order at 7:03 p.m., at Village Hall, 5043 Chester Lane, Racine, WI.

2 - Pledge of Allegiance

3 - Roll Call

Board: Trustee Stillman, Trustee Wanggaard, Trustee Martin, and Trustee Wishau and President Dobbs. Trustee Benkowski was present via telephone conference.

Absent: Trustee Prott was excused.

Staff: HR Director Toni Muise and Utility Director Anthony Bunkelman, Public Works Director Tom Lazcano and 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 Martin. Motion carried unanimously.

Regular Village Board meeting(s) – June 18, 2018

5 - Citizens Reports/General comments from the audience

Ray Lentz 7124 Hwy 38, spoke to the new Trustee's about local leadership and urged them to make good choices. He complained about his neighbors business never being in compliance, and receiving special favors. He also brought up issue with the allotted 2 minutes speaking time at Board meetings, and stated he has requested time for a special presentation in the past, only to be told no. He further complained about his neighbors burning violations, and suggested that the Fire Department was colluding with his neighbors' actions.

6 - Communications and Announcements

6A - Update on the Western Publishing Building

The Raze Order is being signed this week by the Building Inspector and will be turned over to the Village Attorney which will then be delivered to the property owner. Attorney Ekes explained that they will be given time to comply with the Raze Order or appeal to circuit court. If appealed, they have to follow the schedule of the circuit court, and will move forward from there.

7 - Committee Reports

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

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

General Fund	Check No's 77268-77339	in the amount of \$484,960.17
Parks Enterprise	Check No's 6291-6296	in the amount of \$812.95
Joint Health	Check No's 12540-12567	in the amount of \$8,309.12
Joint Parks	Check No's	in the amount of \$0.00
Charge Cards	5/26/18 – 6/25/18	in the amount of \$43,740.59

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

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

8 - Ordinances and Resolutions

8A - Ordinance 2018-06 – 1st and 2nd Reading and Possible Adoption - An Ordinance Adopting An Amendment To The Multi-Jurisdictional Comprehensive Plan For Racine County: 2035 As It Pertains To The Village Of Caledonia Under Section 13-2-1 Of The Village's Code Of Ordinances By Creating Section 13-2-2(H) Adding An Amendment To The Village's Comprehensive Plan Affecting The I-94 Corridor And Adopting And Incorporating The I-94 Corridor Land Use Study

Motion by Trustee Wanggaard to suspend the rules and conduct 1st and 2nd reading of Ordinance 2018-06. Seconded by Trustee Stillman. Motion fails, 3/3.

Motion by Trustee Wanggaard to conduct 1st reading only of Ordinance 2018-06. Seconded by Trustee Martin. Motion carried unanimously.

Motion by Trustee Wanggaard to suspend the rules and read Ordinance 2018-06 by title only. Seconded by Trustee Wishau. Motion carried unanimously.

Clerk read the title.

8B - Ordinance 2018-07 – 1st and 2nd Reading and Possible Adoption - An Ordinance To Amend Section 11-2-1(C)(1) Of The Code Of Ordinances For The Village Of Caledonia Pertaining To Use And Discharge Of Bow And Arrow Or Crossbow

Ordinance 2018-07 was recommended for adoption by the Legislative & Licensing Committee. Attorney Ekes explained that this Ordinance dovetails with another item on the agenda requesting a conditional use permit. When the firearms Ordinance was revised a few years back, it was separated out from the bows and crossbows sections. It became apparent when processing the conditional use application that the Village had inadvertently eliminated an exception for distance requirements for an accrued target range. This Ordinance reinstates that exception.

Motion by Trustee Wanggaard to suspend the rules and conduct 1st and 2nd reading of Ordinance 2018-07. Seconded by Trustee Martin. Motion carried unanimously.

Motion by Trustee Wanggaard to suspend the rules and read Ordinance 2018-07 by title only. Seconded by Trustee Martin. Motion carried unanimously.

Clerk read the title.

Motion by Trustee Wanggaard to adopt Ordinance 2018-07. Seconded by Trustee Martin. Motion carried unanimously.

8C - Ordinance 2018-08 – 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 ±6.7 Acres From M-2 General Industrial District To B-3 Commercial Service District; Se 1/4 Of Sec. 12, T4N, R22E, 4820 Six Mile Road, Village Of Caledonia Racine County, Wisconsin

Lazcano explained that the Ordinance is in conjunction with Resolution 2018-55 where Shooter's is looking to expand their facility. They're seeking to create an outdoor archery range, and increase the size of their sales floor. This Ordinance is necessary for the Resolution.

Motion by Trustee Wanggaard to suspend the rules and conduct 1st and 2nd reading of Ordinance 2018-08. Seconded by Trustee Martin. Motion carried unanimously.

Motion by Trustee Wanggaard to suspend the rules and read Ordinance 2018-08 by title only. Seconded by Trustee Martin. Motion carried unanimously.

Clerk read the title.

Motion by Trustee Wanggaard to adopt Ordinance 2018-08. Seconded by Trustee Martin. Motion carried unanimously.

8D - Resolution 2018-53 – Resolution Of The Village Board Of The Village Of Caledonia To Approve A Certified Survey Map – WisPark LLC / DeBack Farms Business Park CSM – NE ¼ & NW ¼ Of Section 30, T4N, R22E, Village Of Caledonia, Racine County, WI – Owner WisPark LLC

Lazcano stated that this Certified Survey Map is for the lot creation and road right of way dedication for the Central Storage development in the DeBack Farms Business Park. The Plan Commission recommended approval subject to conditions set forth by Racine County and Foth. Central Storage reviewed and agreed to the conditions recommended by the Plan Commission.

Motion by Trustee Martin to adopt Resolution 2018-53. Seconded by Trustee Wanggaard. Motion carried unanimously.

8E - Resolution 2018-54 – Resolution Of The Village Plan Commission Approving An Amendment To The Multi-Jurisdictional Comprehensive Plan For Racine County: 2035 As It Pertains To The Village Of Caledonia – I94 Corridor Land Use

This was approved by the Plan Commission and no action is required from the Board. This was placed on the agenda in error.

Motion by Trustee Martin to take no action on Resolution 2018-54. Seconded by Trustee Wishau. Motion carried unanimously.

8F - Resolution 2018-55 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use To Renovate The Existing Building For Archery Equipment Sales And Service, The Construction Of A ±6,400 Square-Foot Addition To The Existing Building For An Indoor Archery Range And The Construction Of An Outdoor Archery Range, 4820 Six Mile Road, Sec. 12, T4N, R22E, Village Of Caledonia, Racine County, Wisconsin, Mark Gracyalny, Applicant

Lazcano explained that this Resolution is tied to Ordinance 2018-08 on the agenda that dealt with the rezoning of Shooters and expansion of their outdoor archery range and sales facility. This was

recommended for approval by the Plan Commission. Conditions were changed to modify and restrict the indoor range hours to 9 a.m. to 9 p.m. and the outdoor range hours to 9 a.m. to dusk.

Motion by Trustee Wanggaard to adopt Resolution 2018-55. Seconded by Trustee Stillman. Motion carried unanimously.

8G - Resolution 2018-56 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use Permit To Construct A ±18,630 Square Foot Multi-Tenant Building For Semi-Tractor/Trailer And Equipment Service, Maintenance, Sales, Leasing, Outside Parking, And Display, At 4730 Highway 41, Sec. 30, T4N, R22E, Village Of Caledonia, Racine County, WI; In Auto INC/DR Investments 5231 LLC, Owner; Nathan Remitz, Applicant

Lazcano stated that this was laid over and returned to the Plan Commission with a new building orientation, new design, new screening, new parking lot and new fence plans that satisfied the requests of staff and the Plan Commission. The Plan Commission recommended approval.

Trustee Martin questioned the conditional use of future tenants and Act 67 impact. Attorney Ekes explained that each of the proposed uses would be judged independently. The end users would need their own conditional use independent from the building. If the conditional use is similar in nature to the original conditional use, it would need to be considered. The end user would be able to rely on the law in terms of the similar nature of the building operations.

Motion by Trustee Wishau to adopt Resolution 2018-56. Seconded by Trustee Martin. Motion carried unanimously.

8H - Resolution 2018-57 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use Permit To Construct And Utilize A ±115,229 Refrigerated Warehouse Building With Loading Docks, South Of 12628 Four Mile Road, Sec. 30, T4N, R22E, Village Of Caledonia, Racine County, WI; WisPark LLC, Owner; Curtis Schroeder, Applicant

Lazcano explained that this is for Central Storage in the DeBack Business Park. This is a cold storage warehouse that is unique because it is temperature controlled. Jeff Muenkel from Foth was present and explained that this building requires heavily insulated material that would be metal looking on the outside but would be mostly white in color on the inside. This is because of -10 degree temperature on the inside for the products being held there. There would also be a stucco gray material that also helps insulate the building. Plan Commission recommended approval with various conditions and the expressed concern with the type of mechanicals on the roof being adequately hidden. There was an aluminum colored piping that was not screened, and since then Central Storage has addressed this issue.

Motion by Trustee Wishau to adopt Resolution 2018-57. Seconded by Trustee Wanggaard. Motion carried unanimously.

8I - Resolution 2018-58 – A Resolution Of The Village Board Of The Village Of Caledonia Approving An Amended Conditional Use Permit To Expand The Area And Also The Timeframe Of Approval To Occupy A Portion Of An Existing Site With An Online Vehicle Auction Platform For Used Undamaged And Damaged Vehicles, At 7213 Highway 41, Village Of Caledonia, Racine County, WI; Hribar Holdings, LLC, Owner; Copart Inc., Applicant

Lazcano explained that Copart, Inc. is requesting a conditional use amendment to expand the area that was previously approved to be occupied by an online vehicle auction platform for used undamaged and damaged vehicles. The applicant is also requesting that the duration of the

conditional use be extended. The area previously approved to be occupied by an online vehicle auction platform for used undamaged and damaged vehicles is 6.4 acres, at this time the applicant is asking that an additional 8.8 acres be approved to be utilized for a total area of approximately 15.2 acres. The applicant is also requesting that the duration of the conditional use be modified to be increased 10 years. There was concern about the property owners regarding the lack of rectifying some screening issues. The Plan Commission recommended approval with conditions.

Trustee Martin stated that under act 67 a Public Hearing is advised. Attorney Ekes spoke about a memo drafted by Attorney Geary giving some information on the Conditional Use application that was submitted to the Plan Commission and ultimately the Village Board. There were three points outlined from the memo:

1. Whether or not the Plan Commission and Village Board are obligated to bring in Hribar requested extension, and to allow the additional years.
2. The Plan Commission and the Village Board are not obligated to extend it, if they felt it was inappropriate to grant at this time.
3. The Plan Commission and Village Board to consider requiring a Public Hearing before possibly approving the request. The concerns specified are significantly different from what was previously applied for and held. The original acreage was approximately 6.4 acres and was limited to a two year duration. They're seeking to amend that acreage to 8.8 acres and extend the duration to 10 years. Attorney Geary thought the change was significant enough that prior to any approvals, he recommends sending it to a public hearing if the request would be considered, because it was a temporary use to begin with.

Trustee Martin clarified if their options are to approve, deny or send it to a Public Hearing? Attorney Ekes stated that was correct.

Trustee Wanggaard explained the background of this application. Approximately a year ago, Copart was granted a two year temporary conditional use. After only 5 months Copart came back and requested an extension for 15 years. Copart was denied this request, and then modified their request to an extension for 10 years. Trustee Wanggaard further stated this was a 4/2 vote, and he was personally against it. This request nearly doubles the original site and a number of neighbors were concerned about the property.

Trustee Martin was concerned about adding a conditional use to an area that may be zone differently because they are still waiting for the Land Use Plan for the I-94 corridor to be adopted. She felt it should not be approved at this time.

Motion by Trustee Benkowski to deny Resolution 2018-58. Seconded by Trustee Wanggaard.

Motion by Trustee Benkowski to amend the motion and add the following reasons to deny Resolution 2018-58:

1. The time duration involved by applicant
2. Quality of life to the immediate area
3. Wait until the Land Use Plan for the I-94 corridor is adopted to be in keeping with the overall intent of the I-94 corridor plan

Seconded by Trustee Wanggaard.

Roll Call was requested:

Trustee Benkowski – aye

Trustee Martin – aye

Trustee Stillman – aye

Trustee Wishau – aye

Trustee Wanggaard – aye

President Dobbs – aye

Motion carried unanimously.

8J - Resolution 2018-59 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Conditional Use Amendment To Clarify The Permitted Health Care Related Services To Be Provided By Ascension Living, 5635 Erie Street, Sisters Of St. Dominic, Owners, Dewitt Ross & Stevens, Agent

Attorney Ekes stated that Ascension is taking over the long-term healthcare related services provided at Siena Center. This is a minor amendment to the conditional use permit.

Motion by Trustee Martin to adopt Resolution 2018-59. Seconded by Trustee Wishau. Motion carried unanimously.

8K - Resolution 2018-60 – Resolution Of The Village Board Of The Village Of Caledonia To Approve A Six Month Extension Of A Site Plan To Construct And Utilize A 40'x70' Pole Barn For The Storage Of Items Associated With R&B Carpets And Flooring, Inc.; 6214 Douglas Avenue; Brian Ramczyk, Applicant

The applicant is requesting a 6 month extension because of issues with weather and contractors he was unable to move forward with the project within his original timeframe. Applicant is requesting approval be extended for another 6 months. The applicant is planning on building in July or August. The Plan Commission recommended approval.

Motion by Trustee Martin to adopt Resolution 2018-60. Seconded by Trustee Wanggaard. Motion carried unanimously.

8L - Resolution 2018-61 – Resolution Of The Village Board Of The Village Of Caledonia To Approve The Village Of Caledonia Design Guidelines Manual

Jeff Muenkel explained that the design guideline incorporates the I-94 corridor and other sources that make up one central and standard guideline (to ensure nothing is contradictive). The Plan Commission recommended approval.

Trustee Benkowski questioned the landscaping aspect of the plan and felt there was no attempt to use native plant and species in the landscape plan. He thought creating consistency with native plants to our areas would make us unique and create a cleaner look. He felt it also supported local ecosystem. Policies specifying species of trees/plants are not uncommon. President Dobbs questioned it and didn't want it to be an expensive requirement.

Motion by Trustee Martin adopt Resolution 2018-61 with a change to the landscaping section to include native species in a timely manner. Seconded by Trustee Wanggaard. Motion carried unanimously.

8M - Resolution 2018-62 – Resolution Authorizing The Village Of Caledonia To Enter Into A Second Amendment To Development Agreement With WisPark, LLC For The Development Of The DeBack Farms Business Park In Tax Incremental District No. 4

The Attorney recommended the Resolution be laid over until the following Board meeting on July 16, 2018.

Motion by Trustee Wanggaard to layover Resolution 2018-62 until the next board meeting. Seconded by Trustee Martin. Motion carried unanimously.

9. New Business

9A - Variance request for Detached Oversized Structure/Garage at 3215 Stephan Road

Letters were sent out to surrounding property owners, there has been no feedback against or for this structure. The applicant signed a waiver stating he will only use this for personal storage. Lazcano recommended approval. The applicant was present to answer any questions.

Motion by Trustee Martin to approve the Variance Request For Oversized Garage/Structure at 3215 Stephan Road per the conditions outlined in memo from Public Works director dated June 25, 2018. Seconded by Trustee Stillman. Motion carried unanimously.

9B - Fire Suppression System Variance for New Highway Garage

Lazcano explained that the variance was granted from the State for the fire suppression system. Trustee Wanggaard was for a fire suppression system and felt it is important to protect the equipment. Trustee Martin is opposed to spending the money on the fire suppression system. She felt that the vehicles have been stored in many places without fire suppression systems including the current highway garage all along. She felt that during the possibility of a fire it would be addressed quickly with the fire department right next door. She stated it is a waste of money and the insurance is not affected with or without the system. It is something that can be added later per Camosy Construction (they were present and verified this). Trustee Wishau agreed with Trustee Martin. Trustee Stillman felt it would never be added if it is not done now.

Motion by Trustee Wishau to approve the variance to eliminate the fire suppression system for the new highway garage. Seconded by Trustee Martin .

Trustee Benkowski – aye

Trustee Martin – aye

Trustee Stillman – nay

Trustee Wishau – aye

Trustee Wanggaard – nay

President Dobbs – aye

Motion carried, 4/2

9C - Discussion and Possible Action on Final Bids and Budget Numbers for the New Highway Garage

Lazcano stated that with all the final bids and budget numbers in they've decided to go with Platt Construction with no fire suppression. The final cost for the construction of the new Highway Garage is \$3,920,000.00

Motion by Trustee Wishau to approve the Highway Garage building borrowing for a total of \$392,000 and the award the contract to the lowest bidder Platt Construction. Seconded by Trustee Wanggaard. 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 Stillman. Motion carried unanimously.

Meeting adjourned at 8:23 p.m.

Respectfully submitted

Karie Torkilsen
Village Clerk