

**Village Board Meeting
July 16, 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 Martin, Trustee Prott, Trustee Wishau and President Dobbs.

Absent: Trustee Wanggaard and Trustee Stillman were excused.

Staff: HR Director Toni Muise and Utility Director Anthony Bunkelman, Public Works Director Tom Lazcano, Capital Finance Manager Dave Wagner. Also present were Attorney Elaine Ekes and Attorney John Bjelajac.

4 - Approval of minutes

Motion by Trustee Prott to approve the minutes of the following meeting(s) as amended.
Seconded by Trustee Martin. Motion carried unanimously.

Regular Village Board meeting(s) – July 2, 2018

Special Village Board meeting(s) – July 9, 2018

5 - Citizens Reports/General comments from the audience

Ray Lentz 7124 Hwy 38, complained about his neighbor and his perpetual violations. He felt as though the citizens have been forced into a dictatorship style of local leadership and thought they deserved changed.

Margaret Lechner 2532 3 Mile Rd., stated that there is something called uniformed traffic control and was something Vulcan used to follow and provides 1000 feet of safety from blast caps. She also explained that there was a beeping noise that goes on all day long, and that there is a website that provides white noise. She suggested checking out Franklin's website that provides a procedure and complaint link related to Payne & Dolan. She was concerned with the dust and particulates that could cause breathing difficulties in the future.

Ken Michel, owner of the Craft Beer Garden taking place in the Franksville Joint Park thanked the Board for the opportunity to have the beer garden. They are planning on some fundraisers to support the community. They are happy with the participation and have seen growth weekly. The beer garden will probably last until mid-October, weather dependent.

6 - Communications and Announcements

6A - Update on the Western Publishing Building

The raze order has been served and recorded and now the 30 day waiting period is taking place.

6B - Central Racine County Health Department 2017 Annual Report - Margaret Gesner

Margret Gesner gave some highlights of the year. Such as the:

- Development of the Community Health Assessment 2017 (CHA); Identifying mental health, substance abuse, chronic disease and healthcare access as significant community concerns and areas for community improvement.
- Utilizing home visiting evaluation findings to gain support for a new, short-term home visiting program called Family Connects Racine County, open to all parents of newborns in Racine County.
- Responding to a summer flooding event by: ordering/ distributing over 125 fee-exempt well water test kits; conducting nearly 200 food safety inspections/calls; providing health education via website postings, social media updates, press releases, and press briefings; participating in the EOC.
- Establishing a drowning prevention workgroup to address an increase in youth drownings.
- Taking on Safe Kids Racine County Coalition.
- Starting Cribs for Kids program to increase access and reduce infant deaths.
- Writing the Racine County Fetal, Infant and Child Death Review Report 2011-2016.
- Updating the CRCHD website and completing a rebranding of CRCHD.
- Continuing work on the 2016-2020 Strategic Plan priorities, including public health accreditation.
- Providing 1,451 home visits for expectant/new parents.
- Promoting Racine County medication boxes and medication collection events to address the opioid epidemic.
- Testing 148 wells, 117 annual site reviews, and 31 sanitary surveys for the DNR well program.
- Completing a total of 1,310 inspections at 607 licensed establishments and 147 transient food vendors.
- Investigating, providing education, and tracking 1,140 communicable diseases (CD) and STD reports.
- Responding to a tripling of influenza-related hospitalizations compared to 2016.
- Investigating/assisting with 24 institutional outbreaks of respiratory and GI illnesses.
- Updating Performance Management and QI Plans.
- Implementing an Excellence Award for food facilities.
- Creating online food safety training courses.
- Coming in on budget with no levy increase (0%).

Everyone praised Margaret for her great leadership. Trustee Martin also mentioned that the Department of Health Services would be a place where people can be sent to voice concerns about any dust issues related to the quarry.

6C - Update on 2018 Kraut Music Fest – Jim Svoboda

Svoboda shared a video recapping the Kraut Music Fest. They increased the size of the carnival and incorporated the new beer Franksville Craft Beer Garden. The new layout was more family friendly and they received many compliments. The helicopter rider was a new event and gave the community a new aerial view. They held on to old traditions such as the King and Queen of Kraut Fest and will participate in community events throughout the year. The Kraut eating contest was cancelled due to the rain but they are planning on holding it on 'Racine and Me' on Channel 58. There was a turnout of 11,000 people whereas last year it was around 10,000. There was a 5% increase in sponsors from last year. \$134,000 was the final revenue which was the same as last year but with one less day. There have been no complaints from the surrounding neighbors for noise, and no arrests were made.

7 - Committee Reports**7A(1) - Approval of A/P checks**

Motion by Trustee Wishau to approve the A/P checks for the General Fund with the change in General Fund check numbers to read 77339-77419 and Finance Department confirmation. Seconded by Trustee Martin. Motion carried unanimously.

Motion by Trustee Wishau to approve the Parks Enterprise, Joint Health and Joint Parks A/P checks as presented. Seconded by Trustee Prott. Motion carried unanimously.

General Fund	Check No's 77339-77419	in the amount of \$256,364.29
Parks Enterprise	Check No's 6297-6298	in the amount of \$7,806.33
Joint Health	Check No's 12568-12578	in the amount of \$222,192.69
Joint Parks	Check No's 8711-8716	in the amount of \$10,821.04

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 Wishau. Motion carried unanimously.

8 - Ordinances and Resolutions

8A - Ordinance 2018-06 –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

Elaine Ekes presented. Trustee Martin questioned the high density residential versus the narrative. She also stated that it appears that a de facto decision has been made to make the I-94 corridor the center of Caledonia. She questioned providing services to TIF districts. She had concerns that Caledonia may be housing those coming for the Foxconn development without Caledonia receiving any recuperation.

Trustee Benkowski felt in the event of any development that moves forward, if residential occurs it would place a higher tax burden on the general tax levy because currently those lands need no supportive services. He believed it was too vague and general in terms of perspective and potential development.

Trustee Wishau made reference to the key area and stated he does not see any high density residential on the map, and wondered if it was tied into the multi-family use. He was concerned that the zoning could be altered by a prospective business.

Attorney Ekes stated that these are the guidelines that need to be supported by proper zoning, so the zoning and use decisions need to be consistent with the comprehensive plan. Design guidelines that were approved as part of the manual are implementing recommendations from the comprehensive plan.

Trustee Wishau thought the zoning code and this plan should be done simultaneously, and didn't understand why this needed to be tasked prior to zoning.

Attorney Ekes explained it was decided to move this forward with the comprehensive plan amendment set for the I-94 corridor because of the development pressures the Village was facing.

There is some merit with Trustee Wishau's comments because of the upcoming review of the zoning code and all the recommendations on changes to the various districts. The zoning code dictates what happens based on the work that current zoning is. If someone is applying to change what the zoning is, or applying for a conditional use they'll be looking at what the comprehensive plan dictates. This is especially important for the I-94 corridor because many of the current uses are subject to change in the near future.

Lazcano explained that the map was requested and done for RCEDC so they had some kind of guideline for prospective developments along the corridor. They are concurrently working on the zoning and are having zoning workshops. He stated there is the ability to change and adjust the zoning, and if implemented would affect the zoning map.

Trustee Wishau thought this was advisory at best if zoning dictation supersedes this map. Attorney Ekes explained that the zoning of the particular parcel controls the use. A zoning change or a conditional use for a particular zoning district is when the comprehensive plan becomes more important. This is because the Village looks to see what we anticipate the parcel will be used for in future use. For example, if it is designated as medium residential density and someone is looking to change zoning they need to change it to be consistent with the comprehensive plan designation. Or if something is designated as commercial, they would need to apply the zoning change to be consistent with commercial. It is more than a guideline, as it is required under the law to act consistently with the comprehensive plan so that the property owners know what the expectations are and would ultimately be granted approval if it is consistent with the comprehensive plan.

Trustee Wishau questioned the designation versus a zoning change and felt it should not be approved until the comprehensive plan is in order. Attorney Ekes explained that it does not need to and shouldn't match the comprehensive plan. It is a tool to use for future development and land use decisions.

They discussed the work group comprising of Public Works Director Tom Lazcano, Jonathon Schattner from Plan Commission, Joseph Minorik from Plan Commission, Trustee Wanggaard and Jeff Muenkel of Foth who are currently working on the zoning. Trustee Wishau wanted to know when and how the Board will be involved. Attorney Ekes explained that this is not a designated Committee created by the Board so it is currently at a staff level meeting. There will be larger group meetings coming up once the framework has been assembled for further discussion. The team of people working on zoning is completely advisory, and will come to the full Board, for review, possible changes and approval. Attorney Ekes stated it will go through the Board, the Planning Commission, and Legislative & Licensing Committee as well. There is a draft of the Zoning Code that staff is reviewing and that the review meetings should start sometime in August.

Trustee Martin felt they were being backed into high density residential without meaning to and without an economic analysis relating to the effects of the tax base on each of the categories'. She felt there needed to be a concrete analysis on how this will affect the Village and what infrastructure costs we are apt to incur.

Trustee Benkowski thought the whole plan is muddy and felt that an economical study needs to be done before they move forward. He didn't know how a decision could be made that has so much bearing on the community without having the study to understand the magnitude of the numbers.

President Dobbs asked about the Ehler's study that was completed in approximately 2012 and felt that another study wouldn't show much change from those numbers.

Wagner spoke about the Ehler's study that was done 6 or 7 years ago. The study ignored Tax Incremental Financing and looked strictly into the cost of providing service versus the tax revenue for various types of land use. We are not equipped with enough staff to redo that study and would need to engage Foth to assist. The TIF analysis is something that could be assembled by staff because they're not looking at the cost of providing police, fire and parks. Wagner asked for direction of the scope from the Board and if they're looking at it beyond TIF or what the impact would be on the TIF districts?

Trustee Wishau felt there did not need to be an additional study and agreed with President Dobbs. He spoke about how he was told that the Village has control over the conditional use permit but after the implementation of Act 67 and what happened with the Casey's development, that this appears not to be true and that they in fact have little control.

The Board decided to form a work group of the Board and the Plan Commission with Foth to discuss the plan before it gets adopted. There was still concern with adopting a comprehensive plan before the zoning code updates.

Motion by Trustee Wishau to table Ordinance 2018-06 in order to form a group of the full Board and the Plan Commission with Foth to review the plan before adoption. Seconded by Trustee Martin. Motion carried unanimously.

8B - 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

Bunkelman explained the Second Amendment as attached.

Bunkelman also gave an explanation of Phase 3. He referenced the original Phasing diagram for the DeBack Farms Business Park. At that point in time, sanitary sewer and water were going to be coming from Adams Rd. between Phase 2 and the pond; it would come straight north to a proposed road in Phase 1 which is DeBack Ln. The future proposal (now) has sanitary sewer that would then follow the green line which runs from the blue cul-de-sac that is just south from the proposed pond and wetland conservancy, will run straight east and curve north to a new cul-de-sac off of 4 Mile Rd in the Northeast corner. That sanitary sewer would be stuck to the east and would have to be run back to the west to the East Frontage Road. When initially talking with WisPark regarding the development, they looked at options for sanitary sewer on how to potentially minimize cost, amount of infrastructure installation and maintained (ease of access without having to go on private property, or within an easement). Essentially, they've looked at a new sanitary sewer and water layout. Water would run along the East Frontage Rd., over to 4 Mile Rd., and run all the way east to the eastern end of the park. WisPark would end up installing a 12" water main on the new cul-de-sac portion. The real savings comes under the sanitary sewer, instead of running a 36" sanitary sewer all the way through the park to the eastern end and coming back with a 15". Instead of doubling up that sewer system, and having twice the amount of infrastructure to maintain, it will now go straight north to 4 Mile Rd., with a 36" pipe and go east on 4 Mile with a 30" pipe, and WisPark would install a 8" pipe to service the cul-de-sac and parcel E, and would then from the 36" pipe going to the west there would be a 15" pipe run to the East Frontage Rd. They gain additional depth with this plan, and have fewer infrastructures to maintain. They've gained a gravity basin as well, and no longer need a lift station in the future. It ultimately opens up more land for sanitary sewer and water, and we only need to open the road once.

Trustee Prott questioned if the size of the pipes will be adequate enough to service potential developments without knowing what they may be. Bunkelman explained that they look into the overall topography of the area, what the potential sewer shed basin would be for each pipe, and

size it based on potential land use or proposed land use in the future and size it accordingly for the area.

Motion by Trustee Benkowski to adopt Resolution 2018-62. Seconded by Trustee Prott. Motion carried unanimously.

8C - Resolution 2018-63 – Resolution Of The Village Board Of The Village Of Caledonia To Approve Amendment No. 2 To AIA Document A133-2009 Between The Village Of Caledonia, Wisconsin And Camosy Construction Co., Inc. Setting The Guaranteed Maximum Price For The New Department Of Public Works Facility And Authorizing Execution Of Documents

Lazcano explained that Resolution 2018-63 is to approve the second amendment between the Village of Caledonia and Camosy Construction for construction management services of the new Department of Public Works facility. The second amendment sets the Guaranteed Maximum Price of \$3,499,515.00, and is the same price presented at the last Board meeting. The second amendment is necessary to begin work, which could begin as early as this week. Lazcano recommended approval.

Motion by Trustee Prott to adopt Resolution 2018-63. Seconded by Trustee Martin. Motion carried unanimously.

9. New Business

9A - Site Restoration Bond

Lazcano explained that they found 6004 Trefoil Circle to be in accordance with the Village's Site Restoration Bond requirements, and recommended that the Board approve the release of the Site Restoration Bond for that property.

Motion by Trustee Martin to approve the release of the Site Restoration Bonds for 6004 Trefoil Circle. Seconded by Trustee Prott. Motion carried unanimously.

9B - Variance Request for Detached Oversized Structure/Garage at 5341 Hwy 31

Lazcano stated that the applicant has signed the required waiver stating this will be used for personal property only. Letters were sent out to neighboring properties, and no replies were received for or against. The applicant was present for any questions.

Motion by Trustee Prott to approve the variance request for detached oversized structure/garage at 5341 Hwy 31. Seconded by Trustee Benkowski. Motion carried unanimously.

10 - Report from Village Administrator

The i-pads have been delivered to the Board and everyone seems pleased with how they're working out.

11 - Adjournment

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

Meeting adjourned at 8:17 p.m.

Respectfully submitted

Karie Torkilsen
Village Clerk

In front of the Village Board this evening for consideration is the Second Amendment to the Development Agreement for DeBack Farms Business Park and 4 other agreements related to the development agreement and the Business Park.

The 5 documents for consideration this evening are entitled

Second Amendment to Development Agreement

Memorandum of Second Amendment to Development Agreement

Agreement to Allow Private Construction of Utility Infrastructure by WisPark LLC

Partial Release

Temporary Construction Easement

The first agreement to be approved and executed this evening is the Second Amendment to Development Agreement. This Amendment is for Phase 3 of the DeBack Farms Business Park and covers Building Pads C, D, & E. The Development Agreement addresses Construction, Infrastructure Improvements, Village Financing, Village Projects, Road Improvements for roads constructed by the Developer, Schedules, Asbuilding, Guarantee periods etc.

Things of particular interest in this agreement are that there is a prospective development on Pad D. (Approved by the Board already) as Central Storage Warehouse. Due to the Village performing the Sanitary Sewer & Water Construction for 4 Mile Road, there is a Village Obligation in regards to Pad D. The Village will need to provide a temporary sewerage system for pad D by December 1, 2018 if the permanent sewer system is not completed. If the Building is not substantially complete by that date then the Village is obligated to provide a temporary option within 30 days of substantial completion of the building. There is also a sunset clause for removal of the temporary system if needed of June 1, 2019.

In regards to infrastructure for the business park, the developer will be constructing an 8" Sanitary Sewer Line and a 12" watermain within the future cul de sac, performing site grading on the entirety of Phase 3 and installing a storm water pond. Due to a change in the layout of sanitary sewer and water supply from through the park to a more direct route to 4 Mile Road, the Village will have less infrastructure to maintain, have minimal infrastructure located outside of paved roadways, and be able to serve a larger area along the East Frontage Road by gravity flow thus reducing future costs. In the previous development agreement there was a cost sharing portion for sewer and water. In this phase, due to the changed route and project responsibility, the cost recovery mechanism for the sewer and water will be special assessment. Tentative special assessment numbers have been calculated and inserted into the document. We have also been very careful with the special assessment language in this agreement in regards to the potential for using tax exempt bonds.

The second agreement for consideration and execution this evening is the Memorandum of Second Amendment to Development Agreement.

This document is necessary to put on record at the Courthouse that the Village and WisPark have entered into the Second Amendment to Developers Agreement. So when a title search is performed on this property it informs the potential owners that this agreement is out there.

The third agreement for consideration and execution this evening is the Agreement to Allow Private Construction of Utility Infrastructure by WisPark LLC. This agreement as appropriately titled will allow WisPark to install sanitary sewer, watermain and install storm water infrastructure on the site that will be turned over to the Utility District and Village once completed and accepted.

The Agreement covers that the plans for the infrastructure will be reviewed and approved by the District, allow for full Inspection during construction, that the developer provide a 2 year guarantee per Ordinance, discusses the transfer of ownership to the Village upon completion, reimbursement of costs, Indemnification, failure to complete provisions, granting of future storm water easements, etc.

The forth agreement for consideration and execution this evening is a Partial Release. The Partial Release Agreement is for the Central Storage Warehouse Parcel scheduled for Closing tomorrow. The language in this agreement is similar to language used previously for the Norco Parcel sale. This agreement releases the parcel for Central Storage Warehouse from the Original Development Agreement for Phases 1 and 2, the Original Private Construction of Utility Infrastructure Agreement for Phases 1 and 2, The memorandum of Second Amendment to Development Agreement and the new Private Constriction of Utility Infrastructure for Phase 3.

The fifth and final agreement for consideration and execution this evening is a Temporary Construction Easement Agreement. This Temporary Construction agreement is in accordance with the Relocation Order that was done for the 4 Mile Road construction project. This is a 20' temporary construction easement for the installation of Sanitary Sewer, Watermain, Storm Sewer, and road improvements along 4 Mile Road. The temporary construction easement will cease to exist in 16 months, essentially November of 2019.

All of these agreements are necessary to have in place for the Development of the third phase of DeBack Farms Business Park. All of these agreements are also necessary to have approved and executed this evening for the Closing of the Central Storage Warehouse Parcel tomorrow. Erica Nicole Harris of WisPark, Joe Puchner, the attorney for WisPark, Tim Pruitt, Elaine Ekes, John Bjelajac, Dave Wagner, and I have spent significant hours on this making sure that these agreements were ready for your approval this evening. Most of us are also here this evening to answer any questions that the Board may have in regards to any of these agreements. Once all of the Boards questions are answered it is recommended that the Village Board adopt revised Resolution 2018-62 to incorporate execution of all of the necessary agreements associated with the Second Amendment to the Development Agreement for DeBack Farms Business Park.