

**Village Board Meeting  
September 4, 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, Trustee Wishau and President Dobbs.

Absent: None.

Staff: Administrator Tom Christensen, HR Director Toni Muise, Utility Director Anthony Bunkelman, Public Works Director Tom Lazcano, Finance Manager Larry Borchert, Brian Della from PMA.

**4 - Approval of minutes**

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

Special Village Board meeting(s) – August 20, 2018

**5 - Citizens Reports/General comments from the audience**

Ray Lentz, 7124 Hwy 38, He spoke about his previous presentation and how a nearby competitor got his friends in power to issue his father & son business, Lentz Landscaping, 14 false violations. He specifically mentioned notices for multiple sign violations and that every sign violation had to be corrected or he would be cited for lack of a sign permits. He would've needed to spend hundreds on sign permits. He felt it was unfair when his neighbor has numerous violations, such as illegal burning, that he has yet to be cited for and has even received free assistance from the Village in the form of police and fire services. He realizes the current leaders are not at fault for the bias decisions of their predecessors, but asked they improve on the quality of local leadership. He asked that the Board to please not let the past be the future.

Mary Vanderhoef, 1439 Ellis Avenue, she read a letter that she had previously sent the Trustees. She has asked on behalf of her family, and neighbors, that the Board to vote no for the quarry expansion and zoning issues.

William Hunter, 4623 LaSalle Street, spoke about his opposition to the quarry expansion. He felt there was no benefit to the Village for this expansion. He asked the Board to vote against the quarry expansion as representatives of the citizens of Caledonia. He asked if they would rather finish developing the Maple Park Subdivision or Payne & Dolan's quarry.

Tim Vanderhoef, 1439 Ellis Avenue, thought they had made up their minds already and hoped they would think more about the people. He stated that he felt it is more political than not. He

brought up the zoning and felt something was going on in the inside. He spoke of his political alignments and how they will be changing. He ultimately felt it had something to do with Madison and FoxConn.

Lavetta Buckley-Hunter, 4623 LaSalle St., bought their dream home and thought they had a buffer zone from the quarry. Their space is being infringed upon if this goes through; She questioned what benefits the Village would gain from this expansion. She asked that the Board vote against the quarry and think of the Maple Park Subdivision that collapsed and is now in the process of being rebuilt.

## **6 - Communications and Announcements**

### **6A - Update on the Western Publishing Building**

Christensen stated one estimate was received for the razing of the building and we are still waiting on an estimate for the asbestos removal.

## **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 77612-77676	in the amount of \$874,268.78
Parks Enterprise	Check No's 6336-6348	in the amount of \$1,820.56
Joint Health	Check No's 12613-12625	in the amount of \$8,255.35
Joint Parks	Check No's 8730-8733	in the amount of \$1,084.20
Charge Cards	7/26/18 – 8/25/18	in the amount of \$44,648.24

### **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 Benkowski. Motion carried unanimously.

## **8 - Ordinances and Resolutions**

### **8A - Ordinance 2018-09 – 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(I) Adding An Amendment To The Village's Comprehensive Plan And Affecting Part Of The Se 1/4 Of Sec. 29 And The SW 1/4 Of Sec 28, T4N, R23E, Village Of Caledonia; Located North And East Of The Existing Quarry At 1501 3 Mile Road And Containing 26-Acres, More Or Less; From Low Density Residential To Extractive; Payne & Dolan, Inc., Owner**

**Motion** by Trustee Wanggaard to suspend the rules and read by title only. Seconded by Trustee Stillman. Motion carried unanimously.

Clerk read the title.

**Motion** by Trustee Wishau to adopt Ordinance 2018-09. Seconded by Trustee Prott.

Trustee Martin felt it should be laid over until the transcripts and exhibits are available.

**Motion** by Trustee Martin to table until the transcripts and the exhibits are done and available for review. Seconded by Trustee Benkowski.

Trustee Benkowski – aye	Trustee Prott – nay
Trustee Stillman – nay	Trustee Wishau – nay
Trustee Wanggaard – nay	President Dobbs – nay
Trustee Martin – aye	

Motion fails, 2/5.

Attorney Ekes spoke about the exhibits that were entered. Exhibit 1 was the list of items that had been received by the Village for the public hearing record that had been posted on the Village website. Exhibit 2 was the final handout from the Village Administrator addressing the applications as well as the draft conditions. Exhibit 3 was the memo addressing the requests from the Village counsel. Exhibit 4 was the documents provided by Tom Lazcano through his contact at the DNR. Exhibit 5 was the large aerial poster board submitted by the Attorney retained by residents who spoke on their behalf, and Exhibit 6 was a smaller print out of the aerial poster board.

Trustee Martin read what Payne and Dolan submitted as benefits of the quarry expansion to the Village. First, she explained the Benefits per Payne & Dolan's documents:

- Benefits
  - Provide local source crushed stone
  - Installation of new Charles St.
  - Large buffer/berm
  - “Future development value for Caledonia on property that currently does not have any” (she was unsure what this meant, but she thought it meant the hole being left over becoming a lake)
  - The potential for public amenities including a park, public lake access and a bike path.
  - Deed restriction on P&D East of Charles – such that no future mineral extraction.

Trustee Martin felt that this list has not shown any benefits in taxes or otherwise. She understands the value of stone, but doesn't see how the supply of crushed stone from this quarry benefits Caledonia. She felt that the new Charles St. isn't necessary with the current street not being in disrepair. She thought the berm was a “nice” idea but not exactly beneficial. “Future development value for Caledonia on property that currently does not have any”, again she was unsure what this meant, but thought it was referring to the hole in the ground left over from mining. The potential for public amenities, and she does not see that Caledonia is being gifted that, but is only simply a suggestion. Next Trustee Martin explained tax impacts and costs.

- Tax Impact – Cost
  - Current & Future Quarry taxes if expanded:
    - $31 \text{ acres} \times 4419 / \text{acre} = \$1,369.89 / \text{Year} \times 40 \text{ years} = \$54,760$
    - \$54,760 is the tax revenue for the quarry expansion
  - If three residences/Acre, \$275,000 each current selling prices =
    - $\frac{\$825,000 / \text{acre} \times 6.499 \text{ mill rate}}{5361 / \text{Acre} \times 31 \text{ acres}}$   
 $\frac{166,191 / \text{Year lost taxes} \times 40 \text{ years}}{= \$6,647,640}$
    - \$6,647,640 we stand to lose if there is an expansion opposed to residential development
  - Market rate high density ... per J Franke

- $27 \text{ units/acre} \times \$120,000/\text{unit} =$   
 $\underline{\$3,240,000 \text{ value per acre} \times 6.499 \text{ mill rate}}$   
 $\underline{\$21,056/\text{Acre} \times 31 \text{ acres}}$   
 $\underline{\$652,759/\text{year in taxes} \times 40 \text{ years}}$   
 $\$26,110,382 \text{ taxes over 40 years (high density residential)}$   
 $\$ 54,760 \text{ taxes over 40 years (expanded quarry)}$

- Not factored in:
  - Lost tax revenue on deed restricted land because not marketable while active quarrying goes.

Trustee Martin again thought the idea of the recreational lake was purely speculative, and saw no real benefit from the tax numbers to move forward with the expansion. She is not certain what will be done in 40 years, but knows what she can do now. She does not see the benefit in changing the land use plan, and felt the extreme use of the quarry is unfair.

Trustee Wishau explained that he took a tour of the quarry in Franklin and it was so well hidden he barely knew it was there. He then talked with residences that surround the quarry. The residents stated that they don't even know it's there with the berm in place and didn't have any issues with it. He thought one of the benefits is that Charles St., you're within feet of the quarry, but with the new berm it will effectively conceal the operation. After much consideration, and separating the emotional stuff from hard facts he is in favor of it.

President Dobbs thought the facts Trustee Martin made was speculation. No one knows for certain what will happen in forty years in terms of development theories of residential development or the recreational lake is both speculative at this point. Overall everyone in this County will benefit from cheaper stone. He understands the property is zoned residential, but things change. He mentioned that properties zoned for agricultural (farmland) do not all remain farmland forever and residents will be disappointed then too. Things change, and properties change.

Trustee Benkowski brought up the possibility of a quid pro quo. He felt maybe Payne and Dolan could recognize the loss of a potential tax base and could be a good corporate citizen and compensate the Village for that loss through the savings of our needs of crushed stone.

President Dobbs thought that was illegal, and didn't entertain any discussions in any of the previous meetings because he felt it was considered backroom politics.

Ekes felt it may not be appropriate at this point of the process. The Village does not have any adopted Ordinances that support this sort of thing (for example non-profits to make payments in lieu of taxes).

Trustee Martin stated that she had spoken to Counsel regarding speaking to Payne & Dolan about the possibility of readjustment of boundaries, or some other compromise. She was discouraged because of the limitations of Act 67 among other things, and was informed every conversation needed to be in public. She hoped that her fellow Trustees had the same intentions and did not have conversations with Payne & Dolan outside of these public meetings. This was not an accusation but rather a topic given the conversation. She thought Racine County would benefit from the stone, but sees no direct benefit for Caledonia and does not understand how it will ever benefit the Village.

Trustee Benkowski maintained that he is against the quarry expansion and asked why this is a good project for Caledonia. He prompted his fellow Trustees to help him understand what this project gives Caledonia.

Trustee Wanggaard stated that the quarry is already here and has been for 165 years. He understands there is conflict surrounding the expansion, and he himself has struggled with his decision. He agreed with President Dobbs about the existing quarry and felt this was necessary given the material. He spoke about the surrounding development around the quarry and how it has not stopped progress within the last 165 years. He also once lived in the area and was never directly affected. He felt there are concerns anywhere there is development and compared the dust issue from the quarry to the chemicals and dust kick up from the farm fields. He spoke about the fact that no one has come before the Board in opposition when they approve the conditional use permit for Payne & Dolan, which must be renewed every two years. There have been three instances where Payne & Dolan have had to renew this permit. The area that's proposed for the expansion, they could decide not to develop and do nothing with the property.

Trustee Martin again thought this was speculation. She thought as a business they would not sit on the property if denied the expansion, but would probably sell. She didn't think that the stone was a benefit to Caledonia. She had concerns with the deed restriction, and worries about the buffer being quarried in the future.

President Dobbs stated that if we don't do this, there will be two gigantic holes with straight walls that will never be used, with an option for a third hole. This plan makes the reclamation of this whole area better in the long run.

Trustee Martin liked the plan at first, and if it were set for 5 years or 8 years she would be comfortable approving this, but 40 years out leaves too much unknown. She spoke about the amount of the reclamation bond and the drop in property values because she doesn't know anyone that wants to purposely live next to a quarry.

Trustee Wishau reviewed the 2035 Land Use Plan and had found language that indicated the area to the north is not zoned for quarrying but that it may be rezoned in the future because the property is considered "extractive". He mentioned he didn't think many residents knew to look at the 2035 plan.

Trustee Martin still does not understand how it benefits Caledonia and spoke about the minutes from a meeting in 1996 indicating that the area has been zoned Residential for a long time. "Extractive" refers to the fact that material is there and not an indicator it will be rezoned. She didn't think any potential home buyer would look for the 2035 plan or underlying document referring to extractive material, and felt it was perverse. She maintained she has not heard any reason why this is a good reason other than steep walls, and a hole in the ground.

Trustee Benkowski felt the quarry expansion should not trump the investments of people's homes. He felt we were threatening the economic reality, and that it is the Board's job to protect its citizenry.

President Dobbs stated that throughout this whole process, there has not been any substantial evidence that supports a decline in property value because of the existing quarry.

Trustee Martin thought it was not right to put the burden on common citizens to try and find/ hire professionals to bring in evidence against the quarry. Citizens do not have the same resources as Payne & Dolan have.

More discussion was held on the lack of information regarding the value of homes around the quarry and if the quarry affects them. There was a debate about whose responsibility it is to obtain studies regarding property values.

Roll call vote was taken on original motion:

Trustee Benkowski – nay	Trustee Prott – aye
Trustee Stillman – aye	Trustee Wishau – aye
Trustee Wanggaard – aye	President Dobbs – aye
Trustee Martin – nay	

Motion carries, 5/2.

**8B - Ordinance 2018-10 – 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 Land From: P-1 Institutional Park District, R-4 Urban Residential District I And R-5 Urban Residential District II To: M-4 Quarrying District Part Of The Se 1/4 Of Sec 29 And The SW 1/4 Of Sec. 28, T4N, R23E, Village Of Caledonia And Located North And East Of The Existing Quarry At 1501 3 Mile Road And Containing 31-Acres, More Or Less; Payne & Dolan, Inc. Owner**

Motion by Trustee Wanggaard to suspend the rules and read by title only. Seconded by Trustee Stillman. Motion carried unanimously.

Clerk read the title.

Motion by Trustee Wishau to adopt Ordinance 2018-10. Seconded by Trustee Prott.

Trustee Benkowski felt a better handle needed to be made on the bonding. He also spoke about the planting /landscape plan; he felt we need to have a more definite understanding of what the restoration cost would be. He felt the restoration should be linked to the 2 year review of the blasting permit so it may be reviewed concurrently so the Village is not negatively impacted. He also thought there needed to be stronger language about the lands being held back by the deed restriction of the 40+ acres. Although there was talk about a park there is nothing substantial to support this. He felt moving forward complaints about the quarry should be handled in a more policy driven way and handle the complaint schedule in the same vein as Franklin's policy, and the responsibility to call the DNR should be on Village staff.

Trustee Martin stated that after speaking with Jarmen from the County, the blasting and mining permit comes before the Board every two years but the bond does not. She feels the bond should be reviewed at the same time as well.

Attorney Ekes informed the Board that these issues need to be addressed under Resolution 2018-78, which deals with the conditions.

Roll call vote was taken:

Trustee Benkowski – nay	Trustee Prott – aye
Trustee Stillman – aye	Trustee Wishau – aye
Trustee Wanggaard – aye	President Dobbs – aye
Trustee Martin – nay	

Motion carries, 5/2.

**8C - Resolution 2018-76 – Resolution Of The Village Board Of The Village Of Caledonia To Approve A Certified Survey Map; Parcel ID 104-04-22-30-035-000 – Ne ¼ Of The SW ¼ Of Section 30, T4N, R22E, Village Of Caledonia, Racine County, WI – Owner Blue Beacon International, Inc.**

Lazcano explained that this has been before the Plan Commission and has been recommended for approval.

Motion by Trustee Wanggaard to adopt Resolution 2018-76. Seconded by Trustee Stillman.  
Motion carried unanimously.

**8D - Resolution 2018-77 – Resolution Authorizing The Village Of Caledonia To Award A Contract For The Wind Point Sanitary Sewer Rehabilitation Project**

Bunkelman explained the project. The Caledonia Utility District provides sanitary sewer and water for Wind Point. After a review of the system in that area it has been determined that a sanitary sewer rehabilitation project is warranted due to the iodine in the collection system. After going through the system, they've come up with a proposed plan of action. The project has been bid out; the lowest bidder was Visu-Sewer in the amount of \$1,468,354.27. They've recommended approval. The other bids were substantially higher than the most responsible lowest bidder.

Motion by Trustee Benkowski to adopt Resolution 2018-77. Seconded by Trustee Martin.  
Motion carried unanimously.

**8E - Resolution 2018-78 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use Permit, Nonmetallic Mining Permit And Explosives Use Permit To Allow For The Further Development Of An Existing Limestone Quarry Including Earthmoving, Blasting, Crushing, Sorting And Sizing, Stockpiling, Transportation And Reclamation, As Well As Those Activities Permitted In The Village's Ordinances Entitled "Regulation Of Nonmetallic Mining" And "Explosives And Blasting"; This Property Is Located North And East Of The Existing Quarry At 1501 3 Mile Road, Sec. 28 And 29, T4N, R23E, Village Of Caledonia, Racine County, WI; Payne & Dolan, Inc. Owner/Applicant**

Attorney Ekes reiterated Trustee Benkowski's concerns. Additional language was passed out regarding the reclamation bond which states that the amount of the bond proposed by the applicant to meet the requirement under this condition and Chapter 12.5 of the Racine County Code of Ordinances shall be reviewed for sufficiency by an engineering consultant and financial consultant retained by Racine County and the Village and the cost of services for the consultants shall be paid for by the applicant within thirty (30) days upon request by Racine County and/or the Village. Such bond shall be reviewed periodically by Racine County and the Village to assure it complies with this condition and Chapter 12.5 of the Racine County Code of Ordinances.

Trustee Martin and Benkowski thought this needed to be enforced every five years, and would fall in the periodic review. Attorney Ekes thought it should be every 4 so it coincides with the 2 year permit renewal. Trustee Martin thought there needed something built into the bonding and the conditional use regarding maintenance of the water quality in the 10 year gap, as well as the surrounding property, given how the other quarry fell into disarray.

Trustee Prott sought some clarification. He stated that the County oversees the reclamation or bonding, and that the Village has little say in the reclamation or bonding. He thought this was driven by Statute. Attorney Ekes stated that the bond is incorporated in the conditional use conditions as well as the blasting and nonmetallic mining conditions. It is in compliance with the County Ordinance 12.5. The County oversees the reclamation and it is incumbent upon the County to take those steps if the bond is being maintained, which is considered our leverage if it is locked into the bond requirements.

Trustee Wanggaard asked Payne and Dolan about what their plan in regards to filling the pit once the mine has been exhausted, or maintain the pit as a follow up question to Trustee Martin's concerns.

Payne and Dolan stated that once they're done mining, they slope in the berms and hit the restoration plan that was submitted. He stated there will not be an issue with stagnant water because it is such a large area and the water filling it is the ground water coming in and out. There have been studies with their hydrologist to support this.

Trustee Martin felt there may be geese that land in the water or nitrates that might seep in from the bottom and fertilizers. Because the effects will be unknown in 40 years, she suggested that something could be built into the conditional use that in the event the water quality becomes poor, it would be the responsibility of Payne and Dolan. Payne & Dolan stated they would be responsible for the water if it could be defined. Trustee Martin felt Attorney Ekes could take care of what defines good and bad water quality.

There was further discussion about the reclamation process, and if it would need to sit for 10 years or if the site could be used recreationally while it is being developed. They're trying to keep it as open as possible. The road used in the quarry will be left, so there will be access to the site. The bond according to State Statute is in effect until the end of the reclamation which is determined by the Village/County. The bond has to equal the amount of the reclamation.

Trustee Benkowski also wanted a complaint protocol similar to Franklin. This would be a policy procedure and not a condition of approval.

Trustee Benkowski also wanted to address the deed restriction. The deed restriction language under condition 27 on page 5 indicates that there would be no mining east of the relocated Charles St. The Board discussed adding language that would include the only way the deed restriction could be changed is by a super majority of the entire Board, which would be 6 of the 7 Trustees voting yes. This way, it would have to be a good reason to change it.

Attorney Ekes suggested adding language that the bond shall include the amount of maintenance quality is safe for the use of fishing, or recreational uses and Payne and Dolan shall be responsible for maintaining the water quality until there is a transfer of ownership to an unrelated entity or person.

Payne and Dolan agreed to the additional language but still wanted the water quality clearly defined as safe and to be determined by the City of Racine health department or a similar agency. They also agreed to an assignability clause for the deed restriction.

Further discussion continued with potential future uses, and how that would be determined. Attorney Ekes suggested adding language to condition 27 to include in the third line that indicates no future mining related activity, Business Park, or industrial uses will take place east of the relocated Charles St. and then add an intention sentence. The intent of this deed restriction is to ensure future uses after implementation of the reclamation plan are compatible with residential and recreational uses. It shows what the intent is and will be referred to if there is an argument in the future. Any amendment shall require a vote of super majority by the Village Board to approve.

For language of condition 7, would indicate at a minimum every 4 years the bond amount would be reviewed and shall include amounts for maintenance of water quality that is safe to be determined by the City of Racine Health Department or a similar agency until the transfer of ownership to an unrelated entity or person.

Motion by Trustee Stillman to adopt Resolution 2018-78 with the additional language as discussed at this meeting including the following:

- Addition to Condition No. 7: The amount for the bond proposed by the applicant to meet the requirements under this condition and Chapter 12.5 of the Racine County Code of Ordinances shall be reviewed for sufficiency by an engineering consultant and financial



consultant retained by Racine County and the Village and the cost of services for the consultants shall be paid for by the applicant within thirty (30) days upon request by Racine County and/or the Village. Such bond shall be reviewed periodically (at a minimum every four (4) years) by Racine County and the Village to assure it complies with this condition and Chapter 12.5 of the Racine County Code of Ordinances. The bond amount shall include amounts for maintenance of water quality that is safe for fishing, swimming and recreational uses as determined by the City of Racine Health Department testing standards or a similar public health agency acceptable to the Village and Racine County. Payne and Dolan shall be financially responsible for maintaining safe water quality as determined by the City of Racine Health Department or similar public health agency until there is a transfer of ownership to an unrelated entity or unrelated third-party, and then such requirements shall transfer to such unrelated entity or unrelated third-party so long as these conditions still apply.

- Addition to Condition No. 27: The deed restriction shall also indicate that no future mining-related activity, business park uses or industrial uses will take place east of the relocated Charles Street. The intent of this deed restriction is to ensure that future uses after implementation of the reclamation plan are compatible with residential and recreational uses. Any amendments to this deed restriction shall require approval by a vote of six of the seven members of the Village Board to be effective.

Seconded by Trustee Wanggaard.

Roll call vote was taken:

Trustee Benkowski – aye

Trustee Prott – aye

Trustee Stillman – aye

Trustee Wishau – aye

Trustee Wanggaard – aye

President Dobbs – aye

Trustee Martin – aye

Motion carried unanimously.

The Board by consensus directs staff to review Franklin's protocol for handling complaints and to review at a further date with the Board.

**8F - Resolution 2018-79 – A Resolution Adopting The Revised Caledonia Salary Compensation Schedule And A Merit System For Pay Adjustments For Various Village Employee**

Motion by Trustee Prott to layover adopt Resolution 2018-79 to have a Special Village Board meeting at 6:00 p.m. prior to October 1<sup>st</sup> Village Board meeting . Seconded by Trustee Wishau. Motion carried, 6/1.

**9. New Business**

**9A - Site Restoration Bonds**

Motion by Trustee Wanggaard to release the Site Restoration Bonds for 4547 LaSalle St., 9703 Prairie Crossing Dr., 5520 River Hills Rd., 3715 Wild Ginger Way. Seconded by Trustee Martin. Motion carried unanimously.

**10 - Report from Village Administrator**

The bids came in higher than expected for the 4 Mile Project. The numbers were 60% higher than expected. Engineering is putting together an alternative. Once that's been seen they will need to decide if that's acceptable or if they will need to accept the higher bids.

**11 - Adjournment**

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

Meeting adjourned at 9:17 p.m.

Respectfully submitted

Karie Torkilsen  
Village Clerk