

**Village Board Meeting  
September 3, 2019**

**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 Weatherston, Trustee Stillman, Trustee Wanggaard, Trustee Martin, Trustee Protz, Trustee Wishau and President Dobbs

Absent: None

Staff: Public Works Director Tom Lazcano, Development Director Peter Wagner, and Utility Director Anthony Bunkelman. Also present 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 Stillman. Motion carried unanimously.

Village Board meeting(s) – August 19, 2019

Special Village Board meeting(s) – August 19, 2019

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

Gary Miller, 13336 6 ½ Mile Rd, speaking on behalf of other neighbors as well (Dorothy Barwick, 13418 6 ½ Mile Rd. and Tom and Natalie Quinlan, 13410 6 ½ Mile Rd.) came before the Board regarding the Copart expansion. He said there is no way an 8 ft. tree or fence is going to do any good blocking the view due to the pitch of the properties. He also expressed concerns with the ground water, the 24/7 operations and the glare.

Jodi Switalski, 13222 6 ½ Mile Rd, agreed with Gary Miller's concerns. She passed out photos of a night view of the building noting the lights shining. She also had concerns regarding the quality of the ground water and felt the trees would not be big enough to block the view.

Bob Prochaska asked the Board to look at the 5 acre density requirement. He suggested it be reduced to 2 or 3 acres. He also stated that his land is the buffer between the concerned residents and Copart and they should be aware of the fact that development will happen once farmlands are sold.

**6 - Communications and Announcements**

**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 Prott. Motion carried unanimously.

General Fund	Check No's 79986-80045	in the amount of \$393,683.13
Parks Enterprise	Check No's 6491-6501	in the amount of \$1,121.53
Joint Health	Check No's 13022-13032	in the amount of \$22,932.94
Joint Parks	Check No's 8924-8937	in the amount of \$1,077.03
Charge Cards	July 26-August 26	in the amount of \$35,927.60

**7B(1) - Approval of 2019-2020 Operator's Licenses (Bartenders)**

Motion by Trustee Prott to approve 2019-2020 Operator's License as presented. Seconded by Trustee Wanggaard. Motion carried unanimously.

**8 - Ordinances and Resolutions**

**8A - Resolution 2019-74 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For An Extension Of The Conditional Use Permit To Construct And Utilize A ±66,508 Sq. Ft. Industrial Building At 4011 Nicholson Road, Village Of Caledonia, Racine County, Wi; Probio Re LLC, Owner; Masuda, Funai, Eifert & Mitchell LTD., Agent**

Wagner presented and authorized approval. Trustee Martin asked if there is one particular problem that Probio is facing. Wagner replied that they are still working on their budget and lining up contractors.

Motion by Trustee Wanggaard to adopt Resolution 2019-74. Seconded by Trustee Wanggaard. Motion carried unanimously

**8B - Resolution 2019-75 – A Resolution Of The Village Board Of The Village Of Caledonia To Approve A Conditional Use To Construct And Utilize A ±14,784 Square-Foot Commercial Building For A Landscape Contractor Office And Yard Located At 1331 27th Street In The Village Of Raymond Under The Cooperative Plan Dated November 12, 2009 Between The Village Of Caledonia And The Village Of Raymond Under Sec. 66.0307, Wis. Stats.**

Wagner presented an overview of the request and explained the conditions including the applicants request to waive the condition under no. 12 regarding the light's concrete base being no more than 6" above ground. The Board agreed to change condition no. 12 to read any pole lights shall not exceed 20 feet above ground.

Applicant was present and understood conditions as presented, but requested that the Board waive the condition under no. 12. He pointed out that the neighboring building had concrete base for lights higher than 6 inches.

Attorney Ekes explained that the intent of the Cooperative Boundary Agreement was that the Town now the Village of Raymond's side of the I-94 corridor would not develop unless sewer and water were extended and the plan to extend utilities to and across the corridor and obtain

sewer and water through the Village of Caledonia unless the use was so spectacular and would benefit both communities without sewer and water. In the meantime, Caledonia hasn't denied any developments in part because it was only recently that Caledonia installed utilities to Hwy K and didn't want to hurt other communities' growth. President Dobbs also added that Caledonia could prevent inappropriate development such as an adult strip club.

Trustee Martin expressed her dislike for the Cooperative Boundary Agreement and the term "spectacular use". She felt it is was a meaningless term and plans to not approve any conditional use until that language is more explicit in the Agreement.

Motion by Trustee Prott to adopt Resolution 2019-75 subject to striking the current language under condition no. 12 and change it to read "Any pole lights shall not exceed 20 feet above ground". Seconded by Trustee Weatherston. Motion carried, 6/1.

**8C - Resolution 2019-76 – Final Resolution Of The Village Board Of The Village Of Caledonia Authorizing The Funding To Close The Transaction On The Offer To Sell For Property Received By The Village From Armin Clobes On Behalf Of Millennium Trust Company LLC For Approximately 9.3+/- Acres Located Adjacent To The Village Hall/Crawford Park (No Address Assigned/Four Mile Road – Tax Parcel ID No: 104-04-23-20-132-000)**

Motion by Trustee Martin to adopt Resolution 2019-76. Seconded by Trustee Prott. Motion carried unanimously

**8D - Resolution 2019-77 – Resolution Of The Village Board Of The Village Of Commencing Proceedings To Vacate A Portion Of The Public Right-Of-Way For Charles Street That Is Improved**

Attorney Ekes presented and Lazcano explained the schedule and the closure routes.

Motion by Trustee Stillman to adopt Resolution 2019-77. Seconded by Trustee Weatherston. Motion carried unanimously

**8E - Resolution 2019-78 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For An Amendment To The Current Conditional Use Permit Issued To Occupy A Portion Of The Site At 7213 Hwy 41 By An Online Vehicle Auction Platform For Used Vehicles / Hribar Holdings LLC, Owner / Copart Inc., Applicant**

Wagner spoke about Act 67 and the fact that conditional uses cannot be denied unless reasonable conditions cannot be met by the applicant nor can unreasonable conditions be placed on the applicant. The conditions imposed are attached to these minutes.

The applicants were present and agreed to the conditions as presented and stated they want to do the right thing. The tenant was also present and agreed to the condition imposed regarding hours of operations. Further discussion continued regarding other options to help block the view since trees will take a while to grow. A berm is not an option because no filling can be done within the existing wetlands on that site and to add a berm would be too tight. There was also discussion regarding if office operations for Amston Trailer are included with the hours of outside operations. The hours of operations are intended for the Copart operation only. The office is part of Amston Trailer Sales which is a separate operation. It was mentioned that under Condition no. 24 regarding duration of conditional use, when this

conditional use expires, the Board has ability to deny a further extension if the conditional use is found to be incompatible with new development surrounding it at that time. Also, if non-compliance is found, citations can be issued and revocation can take place if necessary. Revocation would require a public hearing, and Plan Commission and Board approvals. Any complaints would be directed to the Development Director and verified. Submitting pictures with date and time stamp is recommended for validation. Trustee Martin asked again if there was a way to block the neighbors view. Wagner reiterated that Act 67 basically ties the hands of the Village in that they can't require unreasonable conditions to applicants.

Motion by Trustee Weatherston to adopt Resolution 2019-78 subject to revisions to the following conditions: Condition no. 5 - Hour of Operation must be between 7:30 a.m. – 6:00 p.m. Monday through Friday only. Condition no. 6 - Annual Well Inspection to read applicant must conduct groundwater testing at the property by September 16, 2019.

Seconded by Trustee Wishau.

Trustee Weatherston – aye

Trustee Prott – aye

Trustee Stillman – nay

Trustee Wishau – aye

Trustee Wanggaard – aye

President Dobbs – aye

Trustee Martin – aye

Motion carried, 6/1.

### **9 - New Business**

None

### **10 - Report from Village Administrator**

Nothing was reported.

**11 - The Village Board will take up a motion to go into CLOSED SESSION, for the following purpose: pursuant to s. 19.85(1)(e), Wis. Stat., discussion regarding deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session: specifically to discuss negotiations related to properties located in Tax Incremental District No. 5: the vacant buildings/parcels located at 5915 Erie St. and 5919 Erie St.**

Closed session meeting was cancelled.

**12 - The Village Board reserves the right to go back into OPEN SESSION, possibly take action on the items discussed during the closed session and to move to the remaining meeting agendas as posted.**

Closed session meeting was cancelled.

### **13 - Adjournment**

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

Meeting adjourned at 8:17 p.m.

Respectfully submitted, Karie Pope, Village Clerk