

LEGISLATIVE/LICENSING COMMITTEE MEETING

CALEDONIA VILLAGE HALL

5043 CHESTER LANE, RACINE, WI 53402

Monday, March 9, 2020

1. Call to Order

Trustee Wanggaard called the meeting to order at 4:00 p.m. In attendance were:

Committee Members: Trustee Dave Prott and Trustee Kevin Wanggaard. Trustee Weatherston, Trustee Martin and Trustee Prott were also present.

Absent: None.

Department Managers: Clerk Karie Pope, Administrator Tom Christensen, HR Director/Asst. Administrator Toni Muise, Public Works Director Tom Lazcano, Attorney Elaine Ekes and Attorney Tyler Helsel.

2. Approval of minutes

Trustee Prott motioned to approve the minutes as printed from February 3, 2020. Trustee Wanggaard seconded. Motion carried unanimously.

3. New Reserve Class B Liquor License/Bear Country, Inc./Trade Name Bear Paw Beach/10006 7 Mile Road/Scott Bender, Agent

Pope explained that the applicant has turned in all the necessary paperwork and has paid the one-time fee of \$10,000 for the reserve Class B liquor license.

The agent, Scott Bender was present and explained the intention of the license. He stated that they would be primarily using the license in the banquet hall for special events such as a wine and paint night, luaus, etc. However, they are exploring the possibility of selling beer-to-go at their firefly convenience store to guests, but have no intention of selling hard alcohol.

The Commission questioned how the alcohol would be contained, and how they would handle the sale of alcohol. The agent explained procedurally how they would handle this process, and stated they have hired a consultant to help guide them on this implementation. He understood this was a big task they are taking on and are being as precautious as possible. It is their intention to have a two-drink minimum at the banquet events to not over-serve.

Currently they allow campers to bring in alcohol to their individual campsites, but they would not be able to carry in alcohol to these special events. They are introducing a Ranger Program in order to better monitor the campsites and will patrol the area more strictly.

There was discussion regarding how Operator's licenses will be managed and ensuring proper supervision of alcohol sales. Trustee Wanggaard informed the agent that there would be random checks being performed by the Caledonia PD to ensure compliance.

Trustee Prott motioned to recommend approval for the New Reserve Class B Liquor License/Bear Country, Inc./Trade Name Bear Paw Beach/10006 7 Mile Road/Scott Bender, Agent. Trustee Wanggaard seconded. Motion carried unanimously.

4. Parks & Recreation Advisory Board Ordinance

Trustee Wanggaard was not in favor of a five-person Committee, and wanted more citizen involvement from that Committee. He hoped it would be maintained as an advisory Committee and retain some current members. Trustee Prott felt the more people on the Committee, more minds to contribute to ideas would be helpful.

Trustee Weatherston thought we should tread lightly for financial reasons, and had no objections to there being more members. He thought there should be a couple of people from the athletic organizations but worried we may not get volunteers because of their time constraints. Trustee Stillman wondered if we could solicit those individuals they may join. Trustee Martin agreed that more members were better and agreed that the financial oversight should be the responsibility of the Board. She felt in terms of getting volunteers, that we could implement term limits so that new members could be instituted.

There was discussion about retaining citizen involvement and making sure that they have more input. There could be a “whereas clause” that gives direction to the Ad Hoc Committee to give preference to those that have experience with parks, athletic leagues, etc. Tom Lazcano would be more involved with this Committee and would be presenting a 5-year capital plan to the Committee members, and rework from their input.

Attorney Ekes discussed some revisions to the Ordinance, and how the Committee would be structured with citizens, staff and Trustees. Powers and duties would be steered to be more advisory, and this new body would be labeled as a Parks Advisory Committee.

This is a Charter Ordinance that would be removed and a new Ordinance would then be created. The Commission would still meet until the Ordinance is instituted, and the implementation would tentatively begin in May.

Trustee Prott motioned to recommend approval for the Parks & Recreation Advisory Committee Ordinance with the revisions being: five citizens and two Board members, a revision to C under “organization” for the quorum to read four members and a whereas clause to the adopting language to give a stated preference for individuals who are involved in related programs. Trustee Wanggaard seconded. Motion carried unanimously.

5. An Ordinance To Create Section 16-1-1(A)(8) Of The Code Of Ordinances Of The Village Of Caledonia, Racine County, Wisconsin, Relating To The SSO Structural Setback Overlay District Under The Zoning Code

This Ordinance was sent back from the Planning Commission for further review. Lazcano explained Wagner's memo which answered questions the Plan Commission had:

1) Why was the original setback 200 feet recommended? Staff contacted SEWRPC regarding the 200' setback recommendation. Their response was that the 200' setback was to be utilized when no revetment is proposed. The SEWRPC representative stated that SEWRPC would support a 100' setback from the stable slope if revetments were included as part of a development project. Included with this memo is a diagram showing what neighboring communities use for shoreland setbacks. Currently, Caledonia has the most conservative setback of all the communities. In addition, a 100' setback from the stable slope point is far greater than what the Wisconsin Administrative Rules require under NR 115.05(1)(b) which is 75 feet from the ordinary high-water mark, which is the minimum distance required for counties and which carried over in application at the time the Village incorporated. In effect, the Racine County ordinance was more restrictive.

2) Will the Village be liable for any destruction to property by reducing the setback 100'? The engineering firm conducting the analysis would be responsible for the design of the revetment project and the determination of the stable slope setback. As with any revetment project, future maintenance is required and would be the responsibility of the property owner. It is unlikely that the Village would be liable in such a situation, however, there is always the possibility of a property owner suing the Village for compensation. Legal counsel will address this issue further for the committee.

3) What does Mount Pleasant use for a setback? Currently, Mount Pleasant utilizes the SEWRPC 200' setback recommendation similar to Caledonia. However, Mount Pleasant is proposing a new regulation that would require any development to be a minimum of 75' from the ordinary highwater mark which would not take into account a revetment area. Caledonia's proposed change is a 100-foot minimum facility setback distance in addition to the 2 stable slope calculation (revetment area), which in effect is a far greater set back than a 75-foot setback from the ordinary high-water mark.

4) Why can't a developer utilize the "Modification" section of the code to reduce the setback requirement? By reducing the setback, the Village provides more certainty as to the area that will be allowed to be developed along shoreland areas. This change would provide a level of assurance as to what will be allowed to develop and reduce the number of approvals needed to proceed with a development. In addition, the Village is working hard to eliminate unnecessary regulations in the Village's code and based on the research, this regulation is overly restrictive in its application.

Lazcano stated he is comfortable with the recommended setback, as this is relatively conservative in comparison to the surrounding communities.

Trustee Prott motioned to recommend the Ordinance as presented with a Stable Slope plus 100ft to be further reviewed by the Plan Commission and Board. Trustee Wanggaard seconded. Motion carried unanimously.

6. Adjournment

There being no further business, Trustee Prott motioned to adjourn the meeting at 5:14 p.m. Trustee Wanggaard seconded. Motion carried unanimously.

Respectfully submitted,

Joslyn Hoeffert
Deputy Village Clerk