

**Village Board Meeting
July 11, 2023**

1 - Order

President Weatherston called the Village Board meeting to order at 6:00 p.m. at the Caledonia Village Hall.

2 - Pledge of Allegiance

3 - Roll Call

Board: President Weatherston, Trustee Pierce, Trustee Stillman, Trustee Martin, Trustee McManus, and Trustee Wishau.

Absent: Trustee Hammes was excused.

Staff: Also present were Village Administrator Kathryn Kasper, Public Services Director Anthony Bunkelman, Village Engineer Ryan Schmidt, Development Director Peter Wagner, Police Chief Christopher Botsch, Fire Chief Jeff Henningfeld, Finance Director Wayne Krueger, and Village Attorney/HR Manager Tyler Helsel. Village Attorney Elaine Ekes and Attorney Alan Marcuvitz were also present.

4 – Approval of Minutes

Village Board – June 27, 2023

Motion by Trustee Pierce to approve the Village Board minutes of the following meeting(s) as printed. Seconded by Trustee Martin. Motion carried unanimously.

5 – Citizens Reports (citizen comments are in-person only)

Nakreisha McFarland provided her address but requested it not be included in the record and shared her experience. McFarland mentioned being pulled over and expressed worry about the officers' behavior. She played a video of the incident and provided additional context to support her concerns. McFarland mentioned the presence of five officers during the interaction. The possibility of filing a grievance related to the incident was discussed.

6 – Committee Reports

6A - (Approval of A/P checks)

Village – \$3,575,707.60

Motion by Trustee Wishau to approve the A/P checks as presented for \$3,575,707.60. Seconded by Trustee Martin. Motion carried, unanimously.

7 – Ordinances and Resolutions

7A – Resolution 2023-70 – Resolution Of The Village Board Of The Village Of Caledonia Authorizing The Village Of Caledonia To Approve The Amended & Restated Development Agreement With CCM-Caledonia, LLC And Cardinal Capital Management, Inc. For Lands Within Tax Incremental District No. 5 For A Residential Condominium Development (Village Board only)

Atty. Marcuvitz outlined the revised plan for the development focusing on lower-density buildings that could be sold and built more swiftly, responding to the market demand. The initial plan of three towers has been replaced with two and three-story buildings, retaining high quality while being less dense.

Trustee Martin sought clarification on the amendment's potential impact on development value, with assurances that the current guarantee remains valid. Trustee McManus preferred this version of the development over the initial plan. Trustee Stillman was concerned about the potential for the units to be rented rather than sold, which was addressed by Marcuvitz, clarifying that rentals would not be permitted for less than a year. The priority remains to promote sales over rentals.

CCM committed to starting construction by May next year and expects the units to sell swiftly. They confirmed a commitment to stable development with no possibility of short-term rentals and an increase in the guaranteed value of \$4 million, with the build-out timeline reduced by one year. Also highlighted were the development's community features, including pedestrian access to lake views. The financial guarantees by the parent company, Cardinal Capital, were confirmed as valid and reliable.

Motion by Trustee McManus to approve Resolution 2023-70 – Resolution Of The Village Board Of The Village Of Caledonia Authorizing The Village Of Caledonia To Approve The Amended & Restated Development Agreement With CCM-Caledonia, LLC And Cardinal Capital Management, Inc. For Lands Within Tax Incremental District No. 5 For A Residential Condominium Development. Seconded by Trustee Martin. Motion carried, unanimously.

7B – Resolution 2023-71 – Resolution Of The Village Board Of The Village Of Caledonia Approving A Third Amendment To Loan Agreement Between CCM-Caledonia, LLC, Village Of Caledonia And Cardinal Capital Management, Inc. (Village Board only)

Motion by Trustee McManus to approve Resolution 2023-71 – Resolution Of The Village Board Of The Village Of Caledonia Approving A Third Amendment To Loan Agreement Between CCM-Caledonia, LLC, Village Of Caledonia And Cardinal Capital Management, Inc. Seconded by Trustee Pierce.

The amendment pertains to the extension of the line of credit provided for improvements to the property. The need for the extension arises from the slight delay in construction. Trustee Martin affirmed that the sole modification was the extension of time.

Motion carried, unanimously.

7C – Resolution 2023-72 – Resolution Of The Village Board Of The Village Of Caledonia To Approve The Final Plat Of The Glen At Waters Edge Which Proposes 30 Single-Family Residential Lots And 4 Outlots On Parcel Id Nos. 104-04-23-16-021-000, 104-04-23-21-016-010, 104-04-23-21-016-000 & 104-04-23-21-021-000 Submitted By John Wahlen, Applicant, Village Of Caledonia, Owner (Plan Commission: 06/26/23, 5/0)

Motion by Trustee Martin to approve Resolution 2023-72 – Resolution Of The Village Board Of The Village Of Caledonia To Approve The Final Plat Of The Glen At Waters Edge Which Proposes 30 Single-Family Residential Lots And 4 Outlots On Parcel Id Nos. 104-04-23-16-021-000, 104-04-23-21-016-010, 104-04-23-21-016-000 & 104-04-23-21-021-000 Submitted By John Wahlen, Applicant, Village Of Caledonia, Owner. Seconded by Trustee Stillman. Motion carried, unanimously.

7D – Resolution 2023-73 – Resolution Authorizing The Village Of Caledonia To Execute A Deposit Agreement With Robin L. & Raulph J. Vallin – 7431 5 Mile Road (Utility District Commission: 07/05/23, 5/0)

Motion by Trustee Wishau to approve Resolution 2023-73 – Resolution Authorizing The Village Of Caledonia To Execute A Deposit Agreement With Robin L. & Raulph J. Vallin – 7431 5 Mile Road. Seconded by Trustee Martin. Motion carried, unanimously.

7E – Resolution 2023-74 – Resolution Of The Village Board Of The Village Of Caledonia Authorizing Tyler Helsel, Assistant Village Attorney, To Act As Village Prosecutor As Of July 1, 2023 (Village Board only)

Motion by Trustee Martin to approve Resolution 2023-74 – Resolution Of The Village Board Of The Village Of Caledonia Authorizing Tyler Helsel, Assistant Village Attorney, To Act As Village Prosecutor As Of July 1, 2023. Seconded by Trustee Pierce. Motion carried, unanimously.

7F – Resolution 2023-75 – A Resolution Of The Village Board Of The Village Of Caledonia Approving Reimbursement Agreement For A Proposed Development With Bear Development, LLC For A Residential Development Located Along 5 Mile Road In The Village Of Caledonia (Village Board only)

Trustee Wishau opposed the proposal, citing his perception of the underperformance of current TIDs and the increasing debt service levels.

Motion by Trustee Wishau to deny Resolution 2023-75 – A Resolution Of The Village Board Of The Village Of Caledonia Approving Reimbursement Agreement For A Proposed Development With Bear Development, LLC. Seconded by Trustee Martin.

Given Trustee Wishau's concerns, Attorney Ekes suggested that the item be postponed until after the Closed Session.

Motion by Trustee McManus to move agenda item 7F to a position after the Closed Session item. Seconded by Trustee Stillman. Motion carried, unanimously.

Motion by Trustee Stillman to begin with item 8A and move agenda items 8B, 8C, & 8D to a position after the Closed Session item. Seconded by Trustee Pierce. Motion carried, unanimously.

8 – New Business

8A. Discussion On Potential Infill Residential Development with Tax Increment District (Village Board only)

Staff introduced the concept of a tax increment financing district that would include undeveloped residential areas west of Charles between 5 Mile & 5 1/2 Mile Road and parcels along the Douglas Avenue corridor from 4 Mile to 6 Mile. This conceptual TID idea was brought to the Village by Bear Development.

Ehlers provided an overview of tax incremental financing and the various types of tax incremental finance districts.

Bear Development noted that these districts depend on satisfying the “but for” test - without incremental tax financing, the development would not occur or would not occur in the manner and quality that the Village would like to see. They emphasized the importance of economically viable development and that the onus of success would fall on the developer, not the municipality. The project aimed to connect 5 Mile Rd, improve pedestrian connectivity, and offer single-family lots.

Ray Leffler spoke about his development and TIFs experience. He reiterated that the developer’s money, not the municipalities, would be lost if the project failed. Leffler spoke about the changing market dynamics and cost per unit. He suggested that TIF has been instrumental in moving other projects he was involved with forward.

The Board discussed the pros and cons of the validity of the 2011 Cost/Impact of Development analysis study performed by Ehlers as it applies to this potential development. Trustee Martin raised concerns about the benefit to existing residents and whether this development was appropriate for the Village.

Trustee Wishau urged for a thorough review of current TIDs before making any future moves and voiced his opposition until such a review was done.

Kasper stated that the Joint Review Board (JRB) annually reviews the TIDs and invites the Board members to the upcoming JRB meeting. Kasper also stated that the TIDs are reflected in the Village’s financial statements.

Caledonia Utility District Commission President Howard Stacey, who was on the Board and present for the 2011 Ehlers Study, suggested that while the study concept was valid, the study should be updated to apply to today’s circumstances.

9 – Closed Session Items

9A. The Village Board may take up a motion to go into CLOSED SESSION Pursuant Sec. 19.85(1)(e), Wis. Stat., 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 incentive requests for potential infill residential development with tax increment district.

Motion by Trustee Stillman to go into CLOSED session. Seconded by Trustee McManus.

Trustee Pierce – aye Trustee Martin – aye
Trustee McManus – aye Trustee Wishau – aye
Trustee Stillman – aye President Weatherston – aye
Motion carried, unanimously.

9B. The Village Board reserves the right to RECONVENE INTO OPEN SESSION to take possible action on the items discussed during the CLOSED SESSION and to move to the remaining item(s) on this agenda and any other agendas posted.

Motion by Trustee Pierce to go into OPEN session. Seconded by Trustee McManus.
Motion carried, unanimously.

7F – Resolution 2023-75 – A Resolution Of The Village Board Of The Village Of Caledonia Approving Reimbursement Agreement For A Proposed Development With Bear Development, LLC For A Residential Development Located Along 5 Mile Road In The Village Of Caledonia (Village Board only)

Motion by Trustee Wishau to revoke his previous motion of denial. Seconded by Trustee Martin for the removal of her motion as well. Motion carried unanimously.

Trustee Martin expressed hesitancy about the project, stating that she still had concerns and felt it was premature without sufficient information.

Motion by Trustee Pierce to approve Resolution 2023-75 – A Resolution Of The Village Board Of The Village Of Caledonia Approving Reimbursement Agreement For A Proposed Development With Bear Development, LLC For A Residential Development Located Along 5 Mile Road In The Village Of Caledonia. Seconded by Trustee McManus. Motion carried, 5/1.

8B. Discussion – Interview Room Equipment for Public Safety Facility as it Relates to Future Body-Worn Camera Replacement (Village Board only)

Chief Botsch provided an overview of the need for installing a new room recording system in the Public Safety Building’s interview rooms. He explained that initially, it was believed that this would be included in the Riley project scope, but it was moved to owner-supplied equipment. There is a need to quickly select and install a room system before the building progresses further.

Two potential systems were presented: Convergent and Axon. Convergent is a standalone system that performs well in each room but does not integrate with other systems. Its current pricing is approximately \$121,000. On the other hand, Axon is a well-known and widely utilized solution that provides a comprehensive platform integrating body-worn cameras, squad cameras, and more. The equipment cost for Axon is around \$110,000, with additional per-user monthly fees for accessing evidence.com.

Chief Botsch wanted to move towards Axon as an overall platform due to its superior features and integration capabilities. He highlighted that other agencies in the area, including the District Attorney's office, already use Axon, making seamless information sharing possible. The goal is to discuss further and potentially adopt Axon for the entire package, including body-worn cameras and other systems when the current contract with Motorola expires in 2025.

Board members asked questions regarding the longevity of the system and the associated costs. Chief Botsch explained that Axon has operated for over 30 years and is a widely trusted platform. The cost includes equipment and user fees, but the efficiencies gained and the elimination of separate systems would offset some expenses.

This discussion aimed to inform the Board and lay the groundwork for future decisions.

8C. Discussion and Possible Action – Variance Request 5920 Sunshine (Village Board only)

Schmidt addressed the variance request for 5920 Sunshine and explained the situation.

Motion by Trustee Wishau to Deny the Variance Request at 5920 Sunshine Lane for the installation of a retaining wall and shed within the 12' Storm Sewer Easement due to the direct violation of Building Permit 2021-299 and 21-FP-037. Any existing structures shall be removed from the easement, and permits must be acquired for the new shed and retaining wall placement. Seconded by Trustee Stillman.

Trustee McManus affirmed that this was included in the conditions.

The Board discussed the concern that the modular block retaining wall and gravel pad were installed before the final inspection. Pictures were taken as evidence.

Motion carried, unanimously.

8D. Branding of the Village - An Update on the Status of Branding Work on Behalf of the Village, Emphasizing Signs And The Need For Conformity (Communications Committee: 6/20/23)

Pierce provided an overview of the current goals of the Communications Committee. She shared a PowerPoint presentation and requested guidance from the Board regarding fonts and colors/schemes to facilitate the Village's progress in this area. No specific recommendation was put forward during the discussion.

10 – Adjournment

President Weatherston adjourned the meeting at 8:02 p.m.

Respectfully submitted,

Joslyn Hoeffert, Village Clerk