

**COMMITTEE OF THE WHOLE MEETING AGENDA**

**Tuesday, February 27, 2024**

**Starting at 6:15 p.m. or immediately following the 6:00 p.m.**

**Village Board meeting, whichever is later  
Caledonia Village Hall - 5043 Chester Lane**

1. **Meeting called to order**
2. **Approval of Minutes** – Committee of the Whole: 02/13/2024
3. **Public Comment** - Provides a two-minute opportunity for citizens to voice opinions to the Committee of the Whole. The Committee of the Whole cannot respond as this may conflict with open meeting requirements.
4. **New Business**
  - A. Discussion on potential space sharing with Racine PD at Station 12
  - B. Update on Public Safety building
5. **Continuing Business**
  - A. Continuing Discussion - Village 5-10 Year Vision (*CoW 1/9/24, CoW 1/23/24, CoW 2/13/24 postponed*)
  - B. Discussion regarding livestock fencing requirements and animals running at large; Reference: Title 7, Ch. 1 Animal control and Title 11, Ch. 6 Nuisances (*CoW 1/23/24 direct staff to review, CoW 2/13/24 postponed*)  
[https://caledonia-wi.gov/sites/default/files/Title%207%2C%20Chapter%201\\_5.pdf](https://caledonia-wi.gov/sites/default/files/Title%207%2C%20Chapter%201_5.pdf)  
<https://caledonia-wi.gov/sites/default/files/Title%2011%2C%20Chapter%206.pdf>
  - C. Discussion on potential revisions to Title 14, Chapter 3, subdivision controls (*CoW 2/13/24 postponed*)
6. **Adjournment**

**Committee of the Whole Meeting  
February 13, 2024**

**1 - Order**

President Weatherston called the Committee of the Whole meeting to order at 7:20 p.m. at the Caledonia Village Hall.

**PRESENT:** 6 – President Weatherston, Trustee McManus, Trustee Stillman, Trustee Lambrecht, Trustee Martin, and Trustee Wishau

**EXCUSED:** 1 – Trustee Pierce

**STAFF:** Administrator Kathryn Kasper, Clerk Jennifer Olsen, Public Services Director Tony Bunkelman, Village Engineer Ryan Schmidt, Finance Director Wayne Krueger, Development Director Peter Wagner, Police Chief Christopher Botsch, Fire Chief Jeff Henningfeld, Village Attorney/HR Manager Tyler Helsel and Village Attorney Elaine Ekes.

**2 – Approval of Minutes January 23, 2024**

A motion was made by Trustee Stillman to approve the Committee of the Whole minutes of 01/23/24, seconded by Trustee Lambrecht. The motion carried 6-0.

**3 – Public Comment**

The following people appeared to speak before the Committee:

*None*

**4 – New Business**

**A. Discuss on meeting minutes content and procedures to amend the minutes.**

Staff presented research on meeting minutes standards, and recommended that minutes be kept to a brief description of extended discussion, who made and seconded motions, and the result of votes. Individual speaker names and direct quotes will not be used unless specifically requested to be added to the record.

Motion by Trustee Martin to receive and file the item, seconded by President Weatherston. Motion carried, 6-0.

**B. Discussion on the future of waste oil receptacle at Nicholson Road campus**

Staff requested guidance on the future of the Nicholson Road Campus waste oil receptacle once the police department moves to the new building. Several options were proposed by staff and committee members, including:

- Discontinuing the site and directing residents to other, free, local sites
- Fire Department takes over handing out the key
- Leave it unlocked and put up cameras and signs
- Have Sandy hand out the key during yard waste hours only

After extended discussion, the committee agreed to keep the site open only during yard waste hours, and have Sandy responsible for handing out the key.

### **C. Discussion on potential revisions to Title 14, Chapter 3, subdivision controls**

Extended discussion on proposed changes to the ordinance. Staff advised committee on strategic planning policy decisions to consider such as: if the open space and conservation easements will remain a requirement and if so, where and to what degree; whether the Village wants to be the holder of the easements; and the availability of conservancies to take on such easements. The committee directed staff to make recommendations on adjusting the conservation easement and open space requirements for the sewer district area and creating a buffer zone for conservation areas.

### **D. Fire Department requesting permission to apply for AFG grant for radios**

The committee directed fire department staff to apply for the AFG radio grant.

### **E. Proposed employee handbook changes**

The committee had no objections to the proposed changes and directed staff to bring a resolution to the next Village Board meeting.

## **5 – Continuing Business**

### **A. Continuing Discussion - Village 5-10 Year Vision (*CoW 1/9/24, CoW 1/23/24*)**

Staff outlined the data that was included in the agenda packet and highlighted the park and open space plan update is starting and comp plan updates with start in late 2024. The committee agreed to defer the discussion until the next meeting.

### **B. Discussion on Trustee vacancy process**

Staff has recommended in the past not to put this in an ordinance, but to create a policy document instead. The committee is still in agreement on this.

A motion was made by Trustee Stillman to table the item indefinitely, seconded by Trustee McManus. Motion carried, 6-0.

### **C. Discussion regarding livestock fencing requirements and animals running at large; Reference: Title 7, Ch. 1 Animal control and Title 11, Ch. 6 Nuisances (*CoW 1/23/24, direct staff to review*)**

A motion was made by Trustee Martin to table the item until the next meeting, seconded by Trustee McManus. Motion carried, 6-0.

## **6 – Closed Session Items**

### **A. The Committee of the Whole will take up a motion to go into CLOSED SESSION, pursuant to s. 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 the Caledonia/Raymond Cooperative Boundary Agreement and the Contract Renewal with John's Disposal for Waste and Recycling Collection; and pursuant to s. 19.85(1)(g), Wis. Stat., conferring with legal counsel concerning strategy to be adopted with respect to litigation pertaining to the following: code enforcement as to 6121 STH 31; and subrogation of claims filed against the Village.**

A motion was made by Trustee Stillman to go into closed session, seconded by Trustee McManus. The motion passed by the following vote:

**Ayes:** 6 – Weatherston, McManus, Stillman, Lambrecht, Martin, Wishau

**Excused:** 1 –Pierce

**B. The Village Board reserves the right to go back into OPEN SESSION, and possibly take action on the items discussed during the closed session and to move to the remaining items on the agenda.**

A motion was made by Trustee Stillman to go into open session, seconded by Trustee McManus. Motion carried 6-0.

## **8. Adjournment**

President Weatherston adjourned the meeting at 8:40 p.m.

*Respectfully submitted:*

*Jennifer Olsen  
Village Clerk*

## **Examples of Types of Typical Municipal Plans**

**Comprehensive Plan:** A comprehensive plan is a local government's guide to community physical, social, and economic development. Comprehensive plans are not meant to serve as land use regulations in themselves; instead, they provide a rational basis for local land use decisions with a twenty-year vision for future planning and community decisions. These are usually found at local, county, and regional levels. Local level does have control over the content of their comprehensive plan, but the idea is for the plans to vertically integrate with one another.

**Park & Open Space Plan:** The primary purpose of this Plan is to proactively plan for the Village's future park and recreation needs. Furthermore, the policy recommendations and programs presented in the Plan will guide the acquisition, preservation, and development of land for parks, recreation trails, and other open spaces in the Village to meet the needs of a growing and changing population. Such recommendations will serve to protect and enhance the community's natural needs of the community and it can focus on policy recommendations and programs to be implemented over a five-year period.

**Strategic Plan:** A Strategic Plan serves as the guiding principle for the future of the Village. The plan helps to establish goals, objectives, and strategies to make significant and measurable improvements. The Strategic Plan is developed around the mission, vision, and values.

**Facilities Management Plan:** A Facilities Management Plan outlines processes and procedures for managing a facility. It outlines strategies and goals for improving the efficiency, safety, and security of a facility, or other infrastructure related systems.

**Capital Improvement Plan:** A capital improvement plan (CIP) is a community planning and fiscal management tool used to coordinate the location, timing and financing of capital improvements over a multi-year period — usually 4-6 years. Capital improvements refer to major, non-recurring physical expenditures such as land, buildings, public infrastructure and equipment. The CIP includes a description of proposed capital improvement projects ranked by priority, a year-by-year schedule of expected project funding, and an estimate of project costs and financing sources. The CIP is a working document and should be reviewed and updated annually to reflect changing community needs, priorities and funding opportunities.

**Stormwater/Floodplain Management Plan:** A plan that helps reduce pollution and contamination during construction projects by controlling runoff of rainwater or melted snow into streets, lawns, rivers, and other sites. A plan to protect life, health and property; to minimize costs for flood control projects; to reduce tax dollars spent for rescue, relief and repair of flood damage; to shorten business interruptions caused by flooding; to prevent future flood blight areas; to discourage victimization of unwary land and home buyers; and to prevent increased flood levels caused by unwise floodplain development.

**Communications Plan:** A written document intended to outline and guide an organization's communication efforts. Strategic communication plans create a strong foundation for communications and marketing activities through the proper channels for your audiences.

Current Village/Other Agency Plans:

- Comprehensive Plan
- Park & Open Space Plan
- Cooperative Boundary Agreement with Raymond
- TIF 1-5 project plans
- Nicholson Wildlife Area Management Plan (2005)
- Land Use Plan Implementation Strategy for the Rural Area of the Town of Caledonia (2004)
- Wildlife Habitat Management Plan for the Nicholson Wildlife Center (May 1986)
- Land Use Plan Implementation Strategy for the Rural Area of the Town of Caledonia (March 2004)
- Rural Cluster Development Guide (December 1996)
- Stormwater Management Plan
- Comprehensive Drainage Plan (Master Grading Plan)
- Floodplain Management Plan
- Needs Assessment (Sewer Connection Fee & Water Impact Fee)
- Regional Water Quality Management Plan (Sanitary Sewer Boundary Agreement)
- Sanitary Sewer Service Area for the City of Racine and Environs (Sanitary Sewer Boundary)
- Peak Wet Weather Mitigation Plan
- Storage Optimization Plan (Sanitary)
- Emergency Response Plan (Sanitary)
- Operation & Maintenance Plan (Sanitary)
- Water Feasibility Study
- Comprehensive Water System Master Plan
- Needs Assessment (Water Impact Fee)
- Emergency Response Plan (Water)
- Operation & Maintenance Plan (Water System)
- Wireless Antenna Siting and Related infrastructure plan for SE WI (2006)
- Regional Bicycle and pedestrian facilities system plan for SE WI: 2020
- Highway Access Management Plan – DOT
- Farmland Preservation Plan – County Plan
- Emergency Management Plan – County Plan

Link to Village Plans that are posted on website: <https://caledonia-wi.gov/planning-reports-agreements-studies-tif-documents>

Link to SEWRPC which has many regional plans in which Caledonia is included:  
<https://www.sewrpc.org/SEWRPC.htm>

Link to an example of a strategic plan for River Falls, WI : <https://www.rfcity.org/853/Strategic-Planning>

To: Village Board  
From: Tyler Helsel, Ast. Village Attorney  
Date: February 8, 2023  
Re: Regulation of animals

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Village Board:

Below is research completed by Rebecca Shepro at Pruitt, Ekes & Geary ("PEG") regarding regulations of livestock/animals. There are a few main points that can be gleaned from this research: (1) the Village can enforce many current ordinances against these types of animal related offenses; (2) the expansion of the "dogs at large" ordinance to "animals" or "livestock" at large would give the Village more authority to regulate these animals; and (3) our citizens still maintain the right of a private cause of action.

### RESEARCH

1. **Current ordinance that can be used today to cite violators:**

1. Cite the owner of a kennel license if there is a violation of their kennel license by allowing the dogs to run at large and not be contained; (VCO Sec. 7-1-3 (14)(b)(3))
2. Cite the owner of a dog under VCO Sec. 7-1-6(c) "Dogs running at large";
3. Cite the owner of a dog and/or livestock under VCO Sec. 7-1-11. "Injury to property by animals";
4. Impound animals at large under VCO Sec. 7-1-7(b) "Impounding of Animals";
5. Cite the owner of an animal under Title 11, chapter 6 – Public Nuisances
  1. VCO Sec. 11-6-3(c) – Breeding Places for Vermin, Etc.  
Accumulations of decayed animal or vegetable matter (other than composting sites), trash, rubbish, rotting lumber, bedding, packing material, scrap metal, tires or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.
  2. VCO Sec. 11-6-3(j) – "Animals at Large. All animals running at large."
  3. VCO Sec. 11-6-3(k) – "Accumulations of Refuse. Accumulations of old cans, lumber, elm firewood and other refuse"
  4. The public nuisance abatement procedure could be started due to violations of the provisions above.
6. Kennel Licenses and dog specific violations: issued a kennel license but dogs roam and enter neighbor's property.
  1. VCO Sec. 7-1-3 (14)(b)(3) standards for kennel licenses – "All primary enclosures for animals shall conform to the following requirements: Primary enclosures shall be: structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to keep predators out; constructed and maintained so as to enable the animals to remain dry and clean; constructed and maintained so that the animals contained therein have convenient access to clean food and water as required in this Subsection; and the floors of the primary enclosures shall be constructed so as to protect the animals' feet and legs from injury."

2. VCO Sec. 7-1-6(c). “Dogs running at large” – “It shall be unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which shall mean that it is off the premises of its owner or keeper and upon any public street or alley, any school ground, any public park or upon any other public or private property without the permission of the owner of the property, provided, however, a dog shall not be deemed to be at large if:
    1. It is attached to a leash not more than ten (10) feet in length which is of sufficient strength to restrain it, and the leash is held by a person competent to govern it of at least ten (10) years of age and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or
    2. It is properly restrained within a motor vehicle.”
  7. VCO Sec. 7-1-11. “Injury to property by animals” – “It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.”
  8. VCO Sec. 7-1-7(b). “Impounding of Animals” – “In addition to any penalty hereinafter provided for a violation of this Chapter, any police or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.”
2. **How do other Communities handle livestock at large?**
1. Racine (§ 10-92) has an “animals running at large” ordinance, which applies to all animals, instead of Caledonia’s “dogs running at large” ordinance, which only applies to dogs.
  2. Grant County (§ 206-15.1) has a “livestock at large” ordinance applicable specifically to livestock.
  3. PEG did not find any specific fencing/restraint requirements that would be better or more effective than what Caledonia has.
3. **Private causes of action.** Neighbors could take her neighbor to court for private nuisance.

## RECOMMENDATION

Staff recommends, based on the above research, that the Village expand the “Dogs at Large” under VCO Sec. 7-1-6(c) to include all animals, similar to Racine’s ordinance (both of which are below).



**Village of Caledonia Code of Ordinances Sec. 7-1-6(c)**

- (c) Dogs Running at Large. It shall be unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which shall mean that it is off the premises of its owner or keeper and upon any public street or alley, any school ground, any public park or upon any other public or private property without the permission of the owner of the property, provided, however, a dog shall not be deemed to be at large if:
- (1) It is attached to a leash not more than ten (10) feet in length which is of sufficient strength to restrain it, and the leash is held by a person competent to govern it of at least ten (10) years of age and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or
  - (2) It is properly restrained within a motor vehicle. (d) Owner's Liability for Damage Caused by Dog; Penalties. The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

**City of Racine Code of Ordinances Sec. 10-92. - Animals running at large; penalty.**

- (a) Prohibited. No person who owns or is in possession of an animal shall permit such animal to run at large. "Run at large," means the presence of the animal at any place except upon the property of the owner unless the animal:
- (1) Is on a leash held by a person physically able to control the animal; or
  - (2) Is controlled and contained by a person physically able to control the animal; or
  - (3) Is on private property with permission of the owner of the property.
- (b) Police officers or other persons designated by the city may impound any animal found running at large. If an impounded animal bears identification, such as a microchip or tag, the owner shall be notified. Any impounded animal without a known owner shall be held for no less than seven days during which time the owner may reclaim or surrender the animal. Any animal that has been held for seven days shall become the property of the impoundment facility at the starting time of the eighth day.
- (c) Any impounded animal may be euthanized upon determination that:
- (1) The animal is hopelessly injured beyond any reasonable chance of recovery; or
  - (2) The animal poses an imminent threat to the public health or safety; or
  - (3) The animal poses an imminent threat to the health or safety of itself or its custodian.
- Any impounded animal to be euthanized shall be humanely destroyed.
- (d) Any owner reclaiming an animal shall pay the normal and customary fees.
- (e) Any owner reclaiming a dog, cat, or ferret must show proof of, or pre-pay for, a rabies vaccination and a city license prior to release from the impoundment facility.
- (f) Any dog or cat found to be running at large for the first time shall be implanted with a microchip at the owner's expense.
- (g) Any dog or cat found to be running at large for the second time shall be neutered or spayed at the owner's expense within 30 days of the second incident.