

Trustee Wanggaard called the first committee meeting at the new Village Hall to order at 4:13 p.m. In attendance were:

Committee Members: Trustee Kevin Wanggaard, Trustee Kathy Trentadue

Department Managers: Village Administrator Tom Christensen; Village Clerk Karie Torkilsen, Attorney Elaine Ekes, Village Engineer Tony Bunkelman, Police Chief Dan Warren, Det. Melissa Stardy, Capt. Brian Wall.

Trustee Jay Benkowski arrived at 4:45 p.m.

1. Approval of minutes

Trustee Trentadue moved to approve the minutes as printed from May 9, 2017, Trustee Wanggaard second. Motion carried.

2. Sex offender residency restriction ordinances

Attorney Ekes presented. She wanted to bring to the attention of the committee developments in recent case law in the Eastern District of Wisconsin.

Caledonia's ordinance has been in place since 2008. It was modeled after the Village of Franklin's. Revised in 2014 and included mapping but no changes have been made since. There has been an Eastern District of Wisconsin decision that came out of a lawsuit against the Village of Pleasant Prairie on April 17, 2017. Since that decision other law suits have been filed in Kenosha, Waukesha, Yorkville, Milwaukee and all are pending. The court ruled that Pleasant Prairie's ordinance was unconstitutional and granted motion for summary judgement and damages.

Attorney Ekes wanted to get general direction from the committee to protect Caledonia from a similar law suit. The areas to review in the ordinance would include, 1) domicile restrictions; 2) distances; and 3) no appeal section. If an ordinance in practice does not have an appeal process that has the effect of retroactive punishment, or banishment.

Discussion followed on the reasoning used in the current ordinance. Wanggaard stated the original domicile rule was because they did not want Caledonia to become a dumping ground. The community gets overtaxed, with more monitoring by Police, public services, health care and mental health resources. Caledonia also had two different distance restrictions. Individuals who are under supervision (being monitored) are being placed in accordance with the Department of Corrections at 1000 feet. The 2500 feet applies to individuals no longer being monitored allowing them to move to where they want as long as they live in compliance with the ordinance. One thing that should be reviewed is the 2500 ft. requirement. More clear-cut is if somebody is already living in Caledonia, they can stay. An offender from Caledonia who is released from prison is also allowed to reside with parents, spouse or juvenile children if that person has an established residence.

The April 17, 2017 decision involving the Village of Pleasant Prairie could be used against the Village of Caledonia. Any community that has a sex offender ordinance is at risk of being sued. The ordinance can be weakened by eliminating decisions that put you at risk. The points most likely to be attacked is the original domicile restriction and the fact Caledonia does not have a specific appeal section.

Det. Stardy explained some of the problems she is encountering. People call from outside Wisconsin wanting to move in with relatives, or buy a house here without checking first and then find out Caledonia has a 2 year wait. Their spouse/children can move in immediately, but they can't. If a sex offender moves in and does not register, that is a felony. If they are homeless they still have to register every 10 days. Stardy said the domiciled provision was her best tool. Ekes stated that was not a constitutionally sufficient reason to restrict where they want to live. Capt. Wall suggested reaffirming the original domicile section and add an appeal section, from a law enforcement standpoint they need to fight to keep the domicile section.

Ekes stated if you are going to have an appeals section, have standard language like how appointments are made and the application process. You would need forms to file the appeal. The results should be binding. If they wanted to appeal Caledonia's decisions they would have to appeal with the circuit court. Capt. Wall thought the appeals process coupled with adding a few more exemptions, like being able to live with adult children or grandparents and par back the distances, would help. Discussion followed on developing an appeals process.

Anthony Bunkelman was asked to make changes to the map, shortening the distance from 2500 to 1500, so a review can be made in regards to character of land available. The map also needs to be updated adding the new Olympia Brown School. The Real School and St. Andrew's Church need to be removed. Det. Stardy will verify businesses and double-check if they are any new business or Day Care Centers in Caledonia and in Racine along the border with Caledonia. Det. Stardy and Capt. Wall will work on other exemptions.

All inquiries should be referred to Det. Stardy so they are handled properly.

This will be tabled and brought back to the next meeting on July 10, 2017 at 4:15 p.m.

3. Adjournment

There being no further business, Trustee Trentadue moved to adjourn the meeting at 6:04 p.m. Trustee Wanggaard seconded. Motion carried.

Respectfully submitted,

Mary Jo Schmidt
Eng./Bldg. Adm. Asst. II
Village of Caledonia