

**Village Board Meeting
April 16, 2018**

1 - Order

President Dobbs called the Village Board Meeting to order at 7:01 p.m., at Village Hall, 5043 Chester Lane, Racine, WI.

2 - Pledge of Allegiance

3 - Roll Call

Board: Trustee Benkowski, Trustee Trentadue, Trustee Wanggaard, Trustee Prott, and Trustee Willing, Trustee Wishau and President Dobbs

Absent: None

Staff: Village Administrator Tom Christensen, Public Works Director Tom Lazcano,

4 - Approval of minutes

Motion by Trustee Wanggaard to approve the minutes of the following meeting(s) as printed. Seconded by Trustee Trentadue. Motion carried unanimously.

Regular Board meeting(s) – April 2, 2018

Special Board meeting(s) – April 2, 2018

5 - Citizens Reports/General comments from the audience

Tom Weatherston, 5300 Santa Anita Drive, stated that he and Senator Wanggaard attended the bill signing for the Caledonia TID. The Governor sent pens with Weatherston that were used to sign the bill as a gift to the Caledonia Village Board.

Ray Lentz, 7124 Highway 38, thought that the new comers to the Board meetings should be aware of alarming issues with local leadership and hoped that it would inspire change. He spoke about huge illegal fires as an example. He questioned the Administrator's stance that it was a planned burn, and listed off reasons why he thought it was illegal, and a "cover up". He also spoke of the leader's knowledge of the site being in violation for many years, and felt this amounted to special favors since nothing has been done. He urged the Board to "not let the past, be the future".

Clarence Weber, 5110 Charles Street, read a letter regarding Casey's proposal. He felt the neighbors have had no voice, despite saying no repeatedly. He believed that everyone involved has been done a disservice, which includes the Plan Commission, Casey's, the neighborhood and the landowner.

Richard Krueger, 1204 Sundance Lane, stated he isn't against commercial development and welcomes new business, but is against Casey's because it is an unneeded gas station.

Nancy Juern, 5036 Charles Street, spoke about the garbage and debris in her yard from other locations, and felt this would add to that issue. She doesn't want the smell of a bakery, and thought it would inhibit her from opening her windows during the summer.

Joe Roknic, 5014 Charles Street, his biggest concerns surrounded safety, and felt that crossing the street was already dangerous as is. He also had concerns regarding the driveway and the lightening across the street from his house would be a nuisance.

Margaret Lechner, 2532 3 Mile Road, spoke about treating Ash Trees that have been infected by the Emerald Ash Bore. She spoke about alternative options and treatments to handle infected trees besides cutting them all down.

Robert Tryber, 1130 4 Mile Road, spoke about how dangerous the intersection of 4 Mile Road and Charles Street is, and felt that with Casey's it would only increase the amount of danger and traffic.

Ghulam Raza Mian, 600 4 Mile Road, is leasing MJ Petroleum on the corner of 4 Mile Road and Erie Street, and spoke about the effects this may have on his station.

Troy Carriveau, 6548 Charles Street, is the owner of the land. He addressed some rumors and stated there would be no carwash, and it would not be a 24 hour convenient store. He also talked about the driveway/light issue and said that the building was pushed back to try to alleviate the light pollution. The property was thought to be zoned residential but it has been zoned B2 since 1970. He also spoke about the surrounding gas stations and how Casey's is just taking part in free enterprise and competition.

Mary Guardiola, 5100 Charles Street, spoke about the Plan Commissions approval and how it's the Boards job to decide if it's an appropriate business for the neighborhood. She thought despite the legal ramifications they may face, they could at least become more stringent in the conditions. She felt the Board may not have the power to keep them out but asked for a compromise in terms of keeping it as residential as possible. She was especially concerned about the hours.

Ruben Guardiola, 5100 Charles Street, spoke about the time of operations and asked for a compromise with hours of operation to be more consistent with the rest of the businesses in the area, which should not exceed 12-14 hours in a given day.

Julie Carriveau, 6548 Charles Street, commented about other business in the area and what their hours are. She didn't think Casey's hours were out of line, and felt it was consistent with other gas stations in the area.

Terry Meyers, 4910 Carter Drive, asked if Casey's considered the vacant station on the 4600 block of Douglas Avenue. He wondered if they submitted an Environmental Impact Statement (EIS) for the property and if not, can there be a stipulation that they consider the blighted gas station property before they improve another parcel.

6 - Communications and Announcements

6A - Update on the Western Publishing Building

Unified has ceased their relationship with Inspired Development, so the sale will not be going through.

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 Wanggaard. Motion carried unanimously.

| | | |
|------------------|------------------------|-------------------------------|
| General Fund | Check No's 76898-76965 | in the amount of \$215,184.68 |
| Parks Enterprise | Check No's 6251-6257 | in the amount of \$6,937.90 |
| Joint Health | Check No's 12446-12468 | in the amount of \$302,965.60 |
| Joint Parks | Check No's 8676-8687 | in the amount of \$12,288.69 |
| Charge Cards | 03/26/18 – 04/25/18 | in the amount of \$1,593.97 |

7B(1) - Approval of 2017-2018 Operator's Licenses (Bartenders)

Motion by Trustee Prott to approve 2017-2018 Operator's License as presented. Seconded by Trustee Wanggaard. Motion carried unanimously.

8 - Ordinances and Resolutions

8A - Ordinance 2018-02 – 2nd Reading and Possible Adoption - An Ordinance To Amend Zoning Districts Of The Zoning Map Adopted Under Section 20-212 Of The Racine County Code Of Ordinances As Adopted By The Village Of Caledonia Under Section 16-1-1(A) Of The Code Of Ordinances Of The Village Of Caledonia Approving A Request To Rezone The Northerly ±55 Feet Of Parcel ID NO. 104-04-23-21-051-000, Village Of Caledonia, Racine County, Wisconsin, From R-4 Urban Residential District To B-2 Community Business District; RKC Real Estate LLC, Owner, Arc Design Resources Inc., Agent

Attorney Ekes explained Act 67; the Act is a recent statutory change that was signed into law over the past year. The legislative intent of these changes is to make it easier for property owners to obtain conditional use permits and variances. The Village can impose conditions on any negative impacts. The Village must base the decision on what the property is zoned, what are the allowable conditional uses, and if there can be conditions imposed to address the impacts. The Plan Commission and the Board hears the concerns of the neighborhood and has to balance that with what the zoning code states and what the law requires. The Plan Commission did have a public hearing and did have a recommendation to the Board with 26 conditions. What the Board cannot consider in this decision and isn't appropriate is: competition with protecting other businesses; can't force an applicant to look at other properties and consider them; can't ask an applicant to clean up another property instead of the one they've chosen; can't base the decision on an emotional attachment to a neighborhood. The Board can address hours of operation, lighting, trash, parking, and traffic analysis. The Traffic Impact Analysis that was completed showed that the level of service is appropriate for this road and this business wouldn't decrease the level of service to a point that it needs to be changed or enhanced.

Motion by Trustee Trentadue to suspend the rules and read Ordinance 2018-02 by title only. Seconded by Trustee Wanggaard. Motion carried unanimously.

Clerk read the title.

Trustee Benkowski felt the rezoning is a harmful adjustment on the neighboring property. If this project were to expand it would be closer to that 55 foot setback, and is not in favor of it for that reason.

Motion by Trustee Trentadue to approve Ordinance 2018-02. Seconded by Trustee Wanggaard.

President Dobbs requested a roll call

Trustee Benkowski – nay
 Trustee Trentadue – nay
 Trustee Wanggaard – aye
 Trustee Willing – nay

Trustee Prott – aye
 Trustee Wishau – nay
 President Dobbs – aye

Motion fails, 3/4.

8B - Resolution 2018-30 – A Resolution Of The Village Board Of The Village Of Caledonia Approving A Request For A Conditional Use Permit To Construct And Utilize A ±4,517 Square-Foot Gas Station And Convenience Store Known As Casey’s General Store, Northeast Corner Of 4 Mile Road And Charles Street, Sec. 21, T4N, R23E, Village Of Caledonia, Racine County, WI; RKC Real Estate LLC, Owner, Arc Design Resources Inc., Agent

Motion by Trustee Willing to approve Resolution 2018-30 with the following amended conditions to read: open at 5:00 am and closed at 10:00 p.m., no 24 hour gas pumps, and to add a lighting schedule and use plan to be submitted and approved by the Zoning Administrator, Police Department, Fire Department and Public Works Director. Seconded by Trustee Trentadue. Motion carried unanimously.

Kendra Meyer, a representative of Casey’s stated that the donut maker comes in 1 hour before it is open (4 am) to the public (5am-10pm). With lighting being an issue, Trustee Benkowski asked if the lumens would drop as the day goes on? Laura Downing from Arc Design spoke about the lighting and said that an engineering firm stated the lumens do go down significantly during the day; it is just security lighting at night for safety. The lighting does not go down to indicate the business is closing.

The denial of the lot line zoning (Ordinance 2018-02) would mean that 25 ft. off of the lot line it is considered fine. The building is currently 55 ft. from the northern lot line. The planned sidewalk behind the building is allowed use since it is not regulated as part of the building. When asked if Casey’s understood, they stated yes.

8C - Resolution 2018-34 – Resolution Appointing Building Inspector Scott Seymour

Motion by Trustee Benkowski to approve Resolution 2018-34. Seconded by Trustee Wanggaard. Motion carried unanimously.

Scott Seymour was present and gave a brief overview of his background. He stated that he was thankful for the opportunity to serve the community. Seymour is currently a finishing carpenter and has been a carpenter for most of his life. He spoke of his 20 years of military experience and the tours he’s completed. After his second deployment he was given the opportunity to get an associate’s degree in civil engineering and that’s where he developed a passion for building codes. He is married and has grown children.

8D - Resolution 2018-35 – Resolution Accepting the I-94 Corridor Land Use Study and Initiating the Related Comprehensive Plan Amendment Process

Motion by Trustee Wanggaard to adopt Resolution 2018-35. Seconded by Trustee Wishau. Motion carried, 6/1.

Trustee Benkowski has an issue with the residential component. Specifically in regards to the concept of multi-family and high-density housing based on the implications of Act 67. Once the zoning districts are created, and we look at what the implications are and what we need to require as a community for a positive tax base versus what the benefits are for industrial warehousing or more commercial aspects, we might lose advantage of the commercial development properties. He felt that if the expensive residential/real estate in this community (east of Highway V to the

Interstate) was suggested to be apartments, then there was no respect in the sustainability of the housing sector in our community. He was worried we were being gullible and blindly following.

Christensen thought Trustee Benkowski's concerns were valid but that at this time we are only establishing a vision. 12 Oaks was in that corridor for a long time, and was a mixed use/multi-family development. Christensen stated we are looking at the land use plan, and not the "end of the line" zoning. It will remain zoned Agriculture until we decide exactly what we want in there. The point of the study is to get a vision, and give the public an opportunity to speak on this before the final decision is given to the Board.

Trustee Wishau stated that his take away from the Casey's project is that zoning issues will need to be taken extremely serious going forward and agreed with Trustee Benkowski.

New Business

A. Variance request for detached oversized garage at 8722 Dunkelow Road

One neighbor inquired about the garage but no objections were made.

Motion by Trustee Prott to approve a variance to construct a 30' x 40' oversized detached garage at 8722 Dunkelow Road, per conditions outlined in memo from Public Works Director dated April 5, 2018. Seconded by Trustee Trentadue. Motion carried unanimously.

B. Appointment to Park and Recreation Commission

There was a resignation on the Parks and Recreation Commission. President Dobbs appointed Ed Willing to the Park and Recreation Commission.

Motion by Trustee Wanggaard to appoint Ed Willing to the Park and Recreation Commission. Seconded by Trustee Trentadue. Motion carried unanimously.

C. Appointments to Village Board Sub-Committees and Commission Liaisons

President Dobbs made appointments as follows:

Jim Dobbs -----Finance Committee, Chair of Plan Commission and CDA
 Jay Benkowski -----Chair of Public Works and Liaison to the Park Commission
 Dale Stillman ----- Personnel, Utility District, Ad Hoc for Committee/Commission Appts.
 Kevin Wanggaard----- Chair of Legislative/Licensing, Plan Commission and Finance
 Fran Martin -----Public Works, Board of Health, Board of Review
 Dave Prott -----Legislative/Licensing, Chair of Personnel, Chair of Ad Hoc for Committee/
 Commission Appts
 Lee Wishau----- Chair of Finance, CDA, Ad Hoc for Committee/Commission Appts

Motion by Trustee Trentadue to approve appointments to Village Board Sub-Committees and Commission Liaisons. Seconded by Trustee Benkowski. Motion carried unanimously.

Plaques were given to Ed Willing and Kathy Trentadue for their service on the Village Board. Trustee Willing submitted a statement, which primary focus was the feasibility of an independent Caledonia school district and a combined Sturtevant/Mount Pleasant school district.

10 - Report from Village Administrator

Christensen spoke about the traffic on Hwy 32 due to the construction. There was a change in the traffic pattern that lead to a lot of people not paying attention to signs. The construction crew is

not going to show up until enforcement of the signs is followed. Bunkelman stated he spoke with the homeowners and businesses that sit along the closure about access to their properties.

11 - Adjournment

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

Meeting adjourned at 8:17 p.m.

Respectfully submitted

Karie Torkilsen
Village Clerk