

LEGISLATIVE/LICENSING COMMITTEE MEETING
East Side Community Center, 6156 Douglas Avenue, Racine, WI 53402
Monday, Jan. 16, 2012

President Ron Coutts called the meeting to order at 3:30 p.m. In attendance were:

Committee Members: Trustee Tom Weatherston, President Ron Coutts. Trustee Kevin Wanggaard was excused (arrived at 5:04 p.m.)

Department Managers: Village Administrator Tom Lebak, Atty. Elaine Ekes,

1. Approval of minutes from Jan. 9, 2012

Trustee Coutts moved to approve the minutes from January 9, 2012. Trustee Weatherston second. Motion carried.

2. Approval of new Class B Combo license/Dead End Saloon, LLC/8619 East Frontage Road/Robert G. Baumann

Present was Robert (Rob) Baumann, Agent for Dead End Saloon, 8619 East Frontage Road, Caledonia, WI. Trustee Weatherston presented. Baumann said Special Inspections have been completed. The Health Department gave him time to repair a sink, and will allow them to be open for selling foods. Baumann has made his bartenders aware they have to be licensed and has checked and everybody has a license at present. Discussion followed on licensing, closing times, smoking area, selling packaged goods, training, etc. Baumann has cameras as part of his security system and plans on making improvements to that. Baumann plans on taking over the business on Feb. 1, 2012 and will bring in the previous owner's license for surrender on Jan 31.

President Coutts moved to approve Class B Combo license/Dead End Saloon, LLC/8619 East Frontage Road and move to the board for approval on January 17, 2012. Weatherston second. Motion carried.

Move to next Village Board meeting, Jan. 17, 2012

The agenda items were taken out of order. Item 1, 2, 5, 3, 4.

3. Discuss revising Title 14 of the Village's Code of Ordinances (Land Division, Subdivision and Road Construction Standards)

Weatherston presented. Ekes would like to meet with the Caledonia Engineering Department to discuss Title 14. Coutts and Weatherston agree. Ekes will contact Anthony Bunkelman, Asst. Village Engineer..

Ekes prepared a list and discussion followed on revisions that have been discussed/proposed to Title 14 at the Legislative and Licensing Committee Meeting on 10-11-2011.

Summary of list:

1. Study whether the Village can implement an open space mitigation program.

Ekes felt it was a concept worth exploring. Language could be taken from wetland mitigation and modified. The concepts are discussed in the Land Use Plan, but there would need to be some narrative language changes.

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2. Remove Chapter 2 from Title 14 and make it a separate Title and make these changes:
 - a. Change terms of Road to Street throughout.
 - b. Update references to comprehensive Drainage plan.
 - c. Remove references to town road related statutes/requirements.
 - d. Update references to WISDOT Standard Specifications.
 - e. Engineering has some significant updates to the road standards/specifications.
 - f. Require paving on new roads to be completed by the developer or property owner, utilizing contractor acceptable to the Village Engineer.
 - g. Implement sunset on when final lift of asphalt is installed and require additional guarantees from developer and additional road bonds from each lot owner for repairs.
 - h. Require a 20% contingency in the deposits/letters of credit on the asphalt (binder and final lift).
 - i. Pending Driveway ordinance changes proposed by Trustee Griswold?
 - j. Additional engineering related revisions are contemplated by Village Engineering.

Ekes presented. Change terms of Road to Street throughout. Road Standards should be pulled out of Title 14. This would make it is easier to update road standards and you would be able to make changes, i.e. paving requirements, without a public hearing. As part of the subdivision code you have to have a public hearing. Ekes would create Title 17 for Road Construction Standards. Special assessment would be under a separate Title. When Title 14 is update a public hearing will be needed. Weatherston would like this moved to Public Works for a decision.

3. Review whether the 5 acre minimum density should be modified in CE and CW areas and also whether this density requirement for land splits is too restrictive.

Ekes presented. The land use plan would need to be modified. In the land split CSM code if you are creating a new lot (west), it is 5 acres, but you can make a smaller lot in the east side. Discussion followed if 5 acre minimum lot size should be modified. Coutts felt 5 acre minimum was too restrictive. Weatherston asked about livestock in a residential area. Ekes stated that would still be governed under Title 7 and land splits were still restricted with no more than 4 splits in 5 years, and there is a road frontage requirement. Ekes will talk with Anthony Bunkelman, Caledonia Asst. Engineer about setting a policy decision.

4. Review benefits of green/open space developing.
This will be talked about more in the Land Use.

5. Review whether Village should eliminate the requirement of the conservation easement over the common open space or in the alternative require the conservation easement and have the Village be the sold holder of such easements. If eliminated, any restrictions/requirements on the use of the common open space would be placed solely in the deed restrictions and be essentially neighbor enforced unless the Village takes a position on enforcement of those private deed restrictions. Village would need to revise stewardship plan requirements as well as any requirements for annual assessments.

Ekes presented. Discussion followed if the Village should take over. Opinion was the Village should not. Weatherston felt the green space owned by subdivisions should be under the control of the Subdivision's Homeowner Association (HOA). Make HOA's responsible for maintenance. Ekes explained the way the ordinance is written, first the developer, and then homeowner through the HOA owns a percentage of the land. Assessor treats it like open-space, it does not get a PIN. Conservation easement was an added layer to maintain to a certain standard. Coutts would like to see the Village get out of conservation easements, not end

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up being the babysitter. 60% open space in country area was discussed. Open spaces are important to Caledonia's residents' quality of life, but HOAs could decide what they want. Caledonia doesn't need to take on the maintenance or responsibility, the conservation easements can be transferred to a qualified 3rd party. Ekes will send an easement document to trustees so they can look it over. An ordinance change will be needed to say they are not required any more.

6. Review whether the Village should reduce common open space requirements for major subdivisions in the urban/sewered areas (currently 40%).

Ekes presented. Discussion followed regarding if 40% was too high a requirement for an urban area. Would it depend if you were east or west of Hwy. 31 in a sewered area? Coutts felt the 40% should be eliminated, recommended 0% for sewered areas.

7. Require personal guarantees for any costs incurred by the Village in processing and reviewing proposed subdivisions regardless of whether plans are completed or abandoned by the developers.

Ekes recommended requiring personal guarantees. If the developer walks away from their LLC, Caledonia is stuck with the costs.

8. Explore whether Village wants to accept the creations of trails from the land division requirements.

Ekes presented. This was generated by former Trustee McCalvy. If people donated part of their property for a trail, Caledonia would accept whatever shape/size the lot would end up. Coutts and Weatherston agreed this will not be considered.

9. Remove street standards from Ch. 3 and place in Ch. 2 (within 2 title) and then incorporate the street standards by reference in subdivision code.

Coutts and Weatherston agreed this should be done.

10. Revise street standards to widen streets (especially for local residential streets to avoid parking issues like in Blue River) (Village Engineering has this information).

Coutts and Weatherston agreed to revise street standards to widen streets. Ekes will consult with Anthony Bunkelman to work on the standards.

11. Review adding provisions addressing business condominium development and platting for business use under the major subdivision code (exempt such types of plats from common open space requirements).

Ekes stated if somebody wanted to come in and do a major subdivision, Caledonia's subdivision code would apply. Ekes will research what the Town of Norway has done.

12. Allow drainage using swales in sewered areas where deemed appropriate versus a requirement for curb and gutter in all sewered areas.

Ekes stated Engineering has implemented this and it is recommended the policy be changed not requiring curb and gutter in sewered areas.

13. Additional revisions have been proposed by Trustee Griswold. Attached are e-mails from Trustee Griswold and a redlined version of Title 14 prepared by Trustee Griswold.

Ekes presented. This is mostly what the committee would like to change, and felt the committee would probably agree with his changes.

Ekes will work with Anthony Bunkelman on the revisions and bring back a working redlined draft of Title 14 and Title 17, tentatively at the January 30, 2012 Legislative and Licensing meeting.

4. Discuss revising Title 16 of the Village's Code of Ordinances (Zoning Code).

Ekes presented. Discussed were revisions discussed/proposed for Title 16 at Legislative/Licensing Committee meeting, Oct. 11, 2011.

Summary of list:

1. Reduce impervious surface limitations in title 16 or provide more flexibility to the Village on implementing/applying the rule.

Ekes presented. The Board agrees in changing Title 16. Originally intended for commercial areas, vacant areas, sites that would be redeveloped to have not more than 60% of impervious service, essentially 40% of hard surface. Discussion followed on storm water runoff, landscape design, current wetlands, retention ponds and could the percentage include those areas. Ekes stated if you were developing the current ordinance would come into effect and require subtraction of those areas for a buildable area. Discussion followed on having a set percentage or a formal landscape ordinance instead. Ekes will look to see what other communities are doing.

2. Review possible incentives for green construction and creating green building code.
This dovetails with item 1. Weatherston said it did not need to be rewritten, just reference it.

3. Review building types, with a focus on multi-use structures.
Ekes presented. Title 16 allows for multi-use. Its just a matter of encouraging it. Weatherston asked why low-rise was not in the land use. Ekes stated nothing in Caledonia's code discourages it, and this should be a topic for our land use committee.

4. Review whether to continue to require all new building for proposed uses with the District's service area to be served by sewer and water when the Village has no plans at this point to extend sewer/water to the Interstate.

Ekes presented. In Ch. 2, Title 16, all new buildings in urban/service area shall be served by sewer and water. Being there are no plans to extend sewer and water do we want to continue with this requirement. With a conditional use, they would be required to hookup to water and sewer when it was available. Weatherston felt the conditional use to hookup should be part of the building permitting process, eliminating a step. Discussion followed on when they would hookup should the water and sewer come through. Considered were: 1) if they have a failing system; 2) change of ownership; 3) or after a certain time line? Ekes will look at options that won't impose risks. One of the safest approaches would be to record the deed restriction in the system so they are not coming back at a later date to do it.

5. Signs.

Ekes presented: This is part of Title 16, Zoning Code. Dave Mundigler/County staff had a list of issues.

6. General zoning code review/rewrite/combination of Title 16 with Ch 20 of the Racine County Code.

Ekas will review this and bring it back.

7. Trustee Griswold has indicated his desire to clarify or rewrite the design requirements in Title 16 and has referenced codes from Kenosha and Somers.

Weatherston agrees with Griswold. Kenosha has clear procedures, streamlined procedures to benefit development with a good landscape plan, no reason not to plagiarize it.

Ekas will bring forward the talking points on Jan. 18 Economic Development meeting

5. Resolution 2011-20—Resolution of the Village Board of the Village of Caledonia Establishing an Application and Review/Interview Procedure for Appointments to Committees, Commissions and Boards

The agenda items were taken out of order. Item 1, 2, 5, 3, 4.

Weatherston presented. Ekas had a final draft prepared. Concerns were expressed about review procedures and the interview form. The form would contain personal information, almost like creating an employee file, and having a paper trail on a person that could be considered a public record which could be used to harm a person's reputation. Ekas stated if an applicant did not want that information released, they could go to court to block it. If there was a major concern about a person, it would not be discussed at a public meeting, but a closed meeting.

Discussion followed on using a scale of 1-10. That would reduce the chance of something negative being written on a form, but takes away from the process intended, or discussing appointments in open meetings v. closed meetings.

Ekas suggested forming an ad hoc committee, whose task would be to review appointments and reappointments and then make recommendations to the Board. Coutts would like the committee made up of three (3) Board members. Ekas will look up the Ordinance which has the procedure of who would be the president of the ad hoc committee.

Ekas will revise the application and will bring it back to Legislative & Licensing for one more review. Tentatively the next meeting on Jan. 30, 2012.

6. Adjournment

There being no further business, President Coutts moved to adjourn the meeting at 5:37 p.m. Trustee Weatherston seconded. Motion carried.

Respectfully submitted,

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