

May 13, 2013

Chairman Hanson called the 2013 Board of Review to order at 6:00 PM, May 13, 2013, in the Union Grove Community Center Room, 925 15th Avenue, Union Grove. Chairman Hansen moved to adjourn the Board of Review to Wednesday, June 26, 2013 from 6:00 PM to 8:00 PM or date to be determined. Supervisor Gruhn seconded the motion which then carried. Chairman Hansen then adjourned the Board of Review at 6:02 PM.

The regular meeting of the Yorkville Town Board & Planning Commission was called to order by Chairman Hansen at 6:04 PM, May 13, 2013, in the Union Grove Community Center Room, 925 15th Avenue, Union Grove. Present were Chairman Hansen, Supervisors Gruhn and McMahon, Commissioners Fink, Nelson, and Geschke, Engineer Madsen, Constable O'Brien, Building Inspector DeLuca, Attorney Pruitt and the Clerk-Treasurer. Absent were Commissioners Root and Skewes.

Minutes of the April 22nd meeting were approved as printed on a motion from Supervisor Gruhn, second by Supervisor McMahon and motion carried.

The financial statement was approved as presented on a motion from Supervisor McMahon, second by Supervisor Gruhn and motion carried.

Town invoices listed in the amount of \$46,491.35 were approved for payment on a motion from Supervisor Gruhn, second by Chairman Hansen and motion carried

Yorkville Storm Water invoices in the amount of \$14,144.39 were approved for payment on a motion from Supervisor McMahon, second by Supervisor Gruhn and motion carried.

Chairman Hansen then called the Public Hearing to order on the Conditional Use Permit for Echo Yorkville, LLC, 2319 Raymond Ave. to construct an addition to their existing building and also warehouse dock and east loading dock to be built. Jerry Warntjes, Vice President of Echo Lake Foods presented their proposed site plans showing the three additions proposed. The one is a "fill" building and is not seen from Raymond Avenue but is a small building with two dock doors and approach. These buildings on the east side of the property will get trucks off the front of the property where they will only be loading times of 7AM to 7PM according to Warntjes. Due to the fire in their plant in Burlington, Wi. they are using this plant for production and have moved employees here which now number 110 to 125 people. When they increase production here it will entail more trucks and they will be working two shifts plus a sanitation shift. Discussion followed as to trucks entering the site at all times of the day and night and with these independent contractors it is a problem to get them to understand the procedure and they try to send the overflow to I-94 and STH20 to await loading. Warntjes anticipates 20 to 25 trucks per day arriving and leaving this site. Different systems are being tried to get trucks moving out faster.

Supervisor Geschke questioned this increase of business in Yorkville being only temporary until the building is rebuilt in Burlington. Warntjes told of expansion plans in the Yorkville plant and the return of employees once the Burlington plant reopens but sees Yorkville expanding somewhat. He assured all that the truck loading will only be between 7AM and 7PM with the new docks going 24/7.

The biggest concerns seem to be the noise coming from the compressor rooms and with solid state motors and condensers causing the constant loud, whining noise which Warntjes told of the recent steps to eliminate excessive noise. The fact that ramp work and building construction has been started without local or state building permits as necessary was brought out by the local building inspector, James DeLuca. Warntjes promised to have his architect contact DeLuca relative to prints which are subject to the Planning Commission and Town Board decision on this conditional use tonight.

Chairman Hansen then opened up the floor to those who wished to speak either for or against the proposal before us tonight. William Christensen of 17229 Pape Court told of the humming and whining noise which they had never heard from the prior operation of Maple Leaf Farms. William told of the need to correct the conditional use violations first before any additions are allowed. They should be showing us their creditability and be a good neighbor. He has seen nothing happen as to the list of violations presented by Racine County. Bill states he and his wife are not against the business but are against the noise as they both proceeded to give examples of the noise and them not being able to use and enjoy their yard due to the constant noise.

Christine Smith of 2436 Raymond Avenue told of truck backing alarms and idling noises and having called the Sheriff Department recently to find five "reefer" trucks on site. The noise is pulsating and high pitched according to Ms. Smith. She invited others to visit her home and hear the noise.

Paul Cantwell of 2426 Pape Court also told of the constant whining and pulsating noise 24/7 which wears on a person. He talked of ways to quiet these noises and showed pictures of small efforts being made to no avail. Cantwell complained of trucks parked in front of the business for two months with no efforts made to move them. He noted there is technology out there that can remedy the constant whining and pulsating noise but one has to seek such input. Kevin Campbell of 2200 Raymond Avenue agreed there is technology to reduce these noises and also talked about the variance and possible need of a sprinkler system due to the size of operations here

Jason Dye of 2507 Raymond Avenue told of starting with 40 employees and now wants to grow to 225 and the parking lots needed with already having noises from the lots in place. He is immediately to the north of the plant and would like to see that trees be planted to form a noise barrier for his property.

Warntjes talked about signs and decals being made to direct truckers to go to the south and enter the parking and loading areas to the east of the plant. He already has no overnight parking signs in place. He also reminded others that this property is zoned M-3 which includes this type of business to locate here to which many replied they are not against the business but are against the noise. Warntjes said he will never, ever be able to alleviate every single concern but is willing to work on them to help alleviate neighboring concerns. Chairman Hansen noted that Echo Lakes is trying by putting docks on the east side of the buildings and might be able to secure the services of sound engineers to make suggestions on how to curtail the ongoing noise problems.

Hansen told of the three conditions needing to be voted on tonight with Supervisor McMahon, and Commissioner Nelson both questioning the noise levels and recourse being noise being sent out to the east with docks going up there now. Attorney Pruitt suggested we need to address the issues now with both the State and County agreeing with our method of solution. The onus should be put on the company for engineering analysis to further suppress the noise with possibly the Town hiring (at Echo Lakes expense) a second engineer to address the problem and give us some direction. At this time the company is in violation of their original conditional use and is asking for variances tonight. Pruitt notes this all has to be brought together along with state approved plans and variances and conditions met that we provide. Building Inspector DeLuca agreed with Pruitt in that we need direction on this plan with engineering needed before state plans are approved. At that time a punch list should be followed until all are satisfied. If additional time to come up with our input, Racine County may grant us additional time according to Chairman Hansen.

Scott Chase of 17908 Old Yorkville Road told of sound being the major problem and that the project has been started with additional permits and state reviews needed. Daniel Calvino of 2905 Raymond Avenue told of heavy truck traffic in the area and it is up to Echo Lakes to solve their problems and not the audience. Chairman Hansen then closed the hearing at 7:20 PM.

Discussion followed among Commissioners with Geschke noting it is not the citizen's responsibility to solve these problems but Echo Lakes needs to get professional help to solve the noise problems. She asked that Attorney Pruitt give us guidance in alleviating the problems. Pruitt noted there are three modifications being proposed to be addressed if the noise and traffic problems are corrected. Approval should be on conditions as placed by the Town Board and Planning Commission. Talk then by board members and commissioners reviewed the major concerns of neighbors as well as the Town and ways to correct them. The need for Echo Lakes to find a solution to the problems cannot be put off any longer according to Supervisor Gruhn while also stating we are not in opposition to business and that we don't want to stop them from growing either.

After discussion, Supervisor Gruhn moved that we grant Echo Yorkville LLC the conditional use permit to construct an addition to their existing building along with a warehouse dock and east loading dock subject to the following conditions:

1. Echo Yorkville shall hire a sound engineer to determine the appropriate actions to be taken to eliminate or significantly reduce the noise level. The Town shall review the recommendations of Echo Yorkville's consultant, and may hire its own engineering consultant to review the recommendations of Echo Yorkville's engineer. The above steps related to an engineering analysis for Echo Yorkville and on behalf of the Town are to be accomplished within 90 days. The Town shall subsequently make the determination of what steps must be taken by Echo Yorkville to address the noise problems. The Town shall be reimbursed by Echo Yorkville for the Town's expenditures incurred relative to investigating and addressing the noise issues.
2. Echo Yorkville shall be allowed to increase the number of employees at this site to a maximum of 125.
3. The number of trucks per day allowed at the site shall be increased from the present number of five to a maximum of twenty five per day.
4. Echo Yorkville shall obtain any required variance with respect to a fire sprinkler system, or otherwise comply with the applicable fire code requirements.
5. Echo Yorkville shall submit for approval by the Town, a design for a revised smoking area for visitors and employees.
6. When the new easterly docks are built, loading in the front of the building shall only be permitted from 7AM to 7PM.
7. All applicable State and local permits must be obtained prior to construction.

Commissioner Fink seconded the motion to approve the three building additions and change in trucking facilities and times with the conditions as noted. Motion carried. Supervisor McMahon moved that the Town of Yorkville accept the Planning Commission's recommendation for approval along with conditions for the Echo Yorkville LLC request for three new buildings and trucking operation changes. Supervisor Gruhn seconded the motion which then carried. Commissioner Nelson commented that when engineers make their recommendations for this project, do we then determine what is acceptable and how much is enough. Chairman Hansen stated Echo Lakes would have to come back before the Town and hopefully we can all agree with a reasonable solution.

Chairman Hansen then called the public hearing for Jon Erickson, 18917 Spring Street for the construction of site storm water runoff and site grading and storm water management plan. Erickson reviewed his site plan and his 2008 conditional use approval to expand to the north side of CTH "C" and now planning to go ahead with the project. Racine County approval required that the Town of Yorkville receive storm water management plans for this property. Erickson reported there are no wetlands on this parcel as noted by the DNR. He told of how the storm water would be routed through this property and under CTH "C" and of the repair of field tiles which are currently broken and needing to be repaired to drain into this parcel. Engineer Madsen has reviewed the plans of Erickson and has seen his comments being implemented by Jon's civil engineers into the plan. Madsen has given his approval on the newest plans. With no comment from the public, Chairman Hansen then closed the public hearing. Attorney Pruitt is working on a storm water maintenance agreement including legal descriptions. This agreement will give the Town the ability to maintain the site and charge it back to J. W. Erickson Co., Inc. if

he fails to do so. Commissioner Fink moved to approve the storm water runoff and site grading and storm water management plan subject to a storm water maintenance agreement being signed along with county permits needing to be obtained. Commissioner Nelson seconded the motion which then carried. Supervisor McMahan moved that the Town of Yorkville accept the Planning Commission's recommendation to grant our approval of the site storm water runoff and grading plans along with the storm water maintenance agreement by Jon Erickson. Supervisor Gruhn seconded the motion which then carried.

Chairman Hansen then introduced Attorney John Bjelajac who represents Richard and Doris Deschler of 625 61st Drive and asked him to give an overview of the conditional use request of his clients to operate and maintain an existing non-municipal, non-commercial off-road trail for limited use at 625 61st Drive. Racine County Zoning office requested that Deschler's obtain approval from the Town of Yorkville and comply with any conditions Yorkville establishes. The County has given a draft of their approval conditions that they plan to present at their next meeting on May 20th with the Deschlers and Casebolts. Bjelajac requested that the Town of Yorkville support the draft conditions as presented by Racine County. Also appearing tonight were David & Kim Casebolt of 717 61st Drive who gave a brief rundown of this ongoing problem between neighbors relative to the off-road vehicles riding on a trail next to their property. Casebolt talked of changes they would like to see in the draft conditions to be presented by Racine County. Various items of concern were expressed by Casebolt and their feeling that they would like to enjoy their property and this type of recreation and noise does not belong in a residential area. Constable O'Brien told of speaking with the families concerned and noted he is strongly opposed to this type of recreation in such confined areas. Bjelajac again asked for our approval of the Racine County draft conditions to be applied in this case.

Chairman Hansen noted we could change the conditions or approve of them as presented. Supervisor Gruhn noted she would like to change hours of operations along with Supervisor McMahan and Commissioner Fink have questions and thoughts on the proper solution to this long standing problem between neighbors. After some deliberation, Chairman Hansen moved that there be NO SUNDAY OR MONDAY riding with the remainder of conditions to remain as presented. Supervisor Gruhn seconded the motion which then carried.

The Shoreland Contract for Randy Borland, 188701 Walden Drive, Franksville was approved with the comments from Engineer Madsen relative to add erosion control to the plan and a stone tracking pad for site access and silt fence to the east, south and west of the house being needed on a motion from Supervisor Gruhn. This was followed by a second from Commissioner Geschke and motion carried. Supervisor McMahan moved that the Town Board approve the shoreland contract while incorporating the erosion control provisions as listed by Engineer Madsen. Supervisor Gruhn seconded the motion which then carried.

Engineer Madsen reported on the recent road bids for the reconstruction of 61st Drive. He recommended the base bid for all prep work along with alternate no. 1 providing three inches of asphalt and showed a tabulation of bids whereby Stark Asphalt would be the low bidder at \$244,797.90. As this road is not heavily traveled the board came to the conclusion that 3" of

asphalt would satisfy our needs. Supervisor McMahon moved that we support the engineer's recommendation for 3" of asphalt and award Stark Asphalt the bid of \$244,797.90, Supervisor Gruhn seconded the motion which then carried. Engineer Madsen then told of skipping sections of the road that is next to the guard rail and deep ditch while we hopefully get a TRM grant to repair these 500 feet of ditch line.

Engineer Madsen also told of receiving a letter relative to drainage problems at the Boat Tailor site and trying to obtain the DOT plans on the frontage road and what they plan to do to alleviate water problems there.

The constable reported the ongoing dog problems between two parties were left that they obtain video tape of the problems when they occur and thus he could issue citations.

The clerk noted that our next regularly scheduled Board meeting falls on Memorial Day, May 27th and asked when they would like it rescheduled. The consensus was that it would be May 29th at 6:00 PM. The clerk also asked that the Village of Union Grove recreational department has asked for a representative from Yorkville to sit on their committee as we are a large contributor to that department.

Chairman Hansen noted that we need to set up a special town board meeting to address a view issues being the noncompliance by a resident while holding a temporary picnic permit, condition of roadways and which roads to seal coat along with personnel plans. The meeting has been set up for Friday, May 17th at 9:00 AM.

With no further items to come before the meeting, Commissioner Fink moved to adjourn, second by Supervisor McMahon and motion carried. Chairman Hansen then adjourned the meeting at 9:10PM.

Judy Aimone, Clerk-Treasurer