

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
REGULAR MEETING
YORKVILLE TOWN BOARD ROOM
MONDAY, SEPTEMBER 9, 2013
6:00 PM**

Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:00 p.m.

Roll Call

The following Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Douglas Nelson, Barbara Geschke, Robert Root and Nathan Skewes. Also present were Gary Kitelinger representing Echo Lake Foods, Yorkville Stormwater Utility Chairman Steve Nelson, Town Engineer Mark Madsen, Town Attorney Timothy Pruitt, Town Constable Terrence O'Brien, Town Clerk-Treasurer Michael McKinney and approximately 10 others in attendance.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the August 26, 2013 Regular Town Board meeting minutes as submitted, Motion Carried (MC).

Approval of Invoices

McKinney noted that one invoice was added for Jim DeLuca's building inspection services.

Motion (McMahon, Gruhn) to approve invoices in the amount of \$94,150.33, MC.

Public Hearing – The Town Board and Plan Commission held a joint public hearing to hear public comment on an application by Echo Lake Foods for a conditional use permit and site plan change at 2319 Raymond Avenue (owned by Echo Yorkville LLC, M-3 Heavy Industrial zoning, Parcel ID # 018-0321-04-060-060) to allow the applicant to construct a 160' by 173' freezer addition on the south side of the existing facility and a new 30' by 90' loading dock area on the east side of the proposed addition and to install a 40' wide driveway on the south edge of the property and a truck staging area on the east side of the proposed addition.

Hansen informed the Plan Commission and Town Board that the proposal before them has changed from the original proposal submitted to the Town. He noted that Echo Lake Foods is delaying construction of the freezer addition and had asked to replace the proposed 30' by 90' 3-stall loading dock with a 50' by 160' 3-stall loading dock and staging area.

Gary Kitelinger presented the proposal on behalf of Echo Lake Foods. He noted that the product staging area will be enclosed within the proposed addition with a 7-truck staging area to be on the east side of the proposed addition. He added that Echo Lake Foods wished to install an access point to Raymond Avenue at the south end of the property as a safety

measure and as a way to keep vehicular activity and noise away from the neighbors. He also added that the proposed freezer was being put on hold due to the potential cost of a fire suppression system and noted that any addition may be set away from the existing building to reduce fire suppression costs.

Kitelinger noted that the proposed dock addition would have an eave height of 30' and would be maintained at a temperature of 40 degrees. He added that the goal of the project would be to eliminate truck traffic on the west side of the building during the night with the potential for 5 to 6 trucks continuing to access the docks on the west side of the building during the day. He also added that there will still be no more than 25 trucks accessing the site on a daily basis. He noted that the number of employees on site will still not exceed 225 and added that the new holding tank installed a week ago is designed with that number of employees in mind. He also noted that the soundproofing work on the fans has been completed.

McMahon noted that some truck traffic has been reported on Two Mile Road, which would need to be eliminated due to the weight limits on that road.

Pruitt noted that the smoking area on the site was an issue that still needed to come before the Town Board for their review and approval.

Madsen noted that several issues still need to be addressed at the site, including the impact that any new impervious surfaces would have on the site's stormwater drainage plans and that Racine County needs to approve the proposed access and might potentially require the abandonment of another access point to the property.

Hansen noted that the houses on the property need to be kept in good order and added that there was a vehicle in the driveway of the home on the south side of the property without license plates that should be removed or registered.

Jason Dye at 2507 Raymond Avenue believes that the expansion is a good idea but felt that there would be too many access points to the site and that they would be too close together. He also asked that the Town Board look at the exterior lighting at the site, which appeared to be set at a high angle, resulting in more light being broadcast onto adjoining properties than necessary.

Bill Christiansen at 17229 Pape Court asked whether the loading docks on the west side of the building would still be in use once this proposed addition was completed, to which the answer was yes. He added that the noise issues at the site have been ongoing for 5 years and have not been corrected, especially since the installation of the noise barrier around the fans does not look like it has been completed.

Paul Cantwell at 2426 Pape Court asked whether more condensers are going to be needed for this proposed addition, to which Kitelinger answered no. Kitelinger added that if condensers were added, they would be added on the east side of the facility. Cantwell also added that the manufacturer of the fan units indicated to him that they could not retrofit the existing unit with low noise fans but felt that Echo Lake Foods could raise the sound barrier wall further since the top of the unit is not completely concealed by the sound barrier wall. He also felt that the issue of humming noises coming from the plant has been resolved.

Christine Smith at 2436 Raymond Avenue stated that the truck and facility noise is still continuous and pulsating. She also noted that trucks are still parking on Raymond Avenue.

Hansen noted that trucks should only be parking on the east side of the facility, not on Raymond Avenue.

Kitelinger noted that complaints about noise have been an ongoing issue at the site and questioned at what point would the improvements become satisfactory to neighbors and the Town. Hansen noted that improvements may still need to be made at the sound barrier since a portion of the barrier does still appear to be missing. McMahon stated that there has been a considerable reduction in noise levels with the improvements already implemented at the site.

With no other comments forthcoming, Hansen closed the public hearing at 6:42 p.m.

New Business – Discussion and possible action on all of the following

Application by Echo Lake Foods for a conditional use permit and site plan change at 2319 Raymond Avenue (owned by Echo Yorkville LLC, M-3 Heavy Industrial zoning, Parcel ID # 018-0321-04-060-060) to allow the applicant to construct a 160' by 173' freezer addition on the south side of the existing facility and a new 30' by 90' loading dock area on the east side of the proposed addition and to install a 40' wide driveway on the south edge of the property and a truck staging area on the east side of the proposed addition

Motion (Fink, Nelson) to approve the updated conditional use permit and site plan application submitted by Echo Lake Foods for the property located at 2319 Raymond Avenue for the purposes of conceptually permitting a 130' by 150' freezer addition on the south side of the existing facility and west of the proposed loading dock with an eave height that matches the existing high freezer, of constructing a 50' by 160' 3-stall loading dock with an eave height of 30' on the southeast corner of the existing facility with a truck staging area on the east side of the addition, and of installing a 40' wide driveway parallel to the south property line to provide additional access to CTH U with the following conditions: that the freezer addition receive site plan approval from the Plan Commission and Town Board before construction commences, that the Town Engineer review the on-site storm water drainage facilities to ensure they are sufficient to handle any new storm water runoff created by the proposed addition, that the first 100 feet of the new driveway be surfaced with blacktop to mitigate dust, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendations regarding the updated conditional use permit and site plan application submitted by Echo Lake Foods for the property located at 2319 Raymond Avenue, MC.

Application for a Special Event Permit by Israel Vargas for a Rodeo at Homerun Heaven, 3400 South Sylvania Avenue, on September 15, 2013 from 1:00 p.m. to 9:00 p.m.

McKinney noted that he received this application on the Friday before the meeting. The Board instructed McKinney to contact the applicant and request that he provide applications for his event in a more timely fashion.

Motion (McMahon, Gruhn) to issue a Special Event Permit to Israel Vargas for a Rodeo at Homerun Heaven, 3400 South Sylvania Avenue, on September 15, 2013 from 1:00 p.m. to 9:00 p.m., MC.

Pay request #1 by Stark Asphalt for the 61st Street paving and drainage project

Madsen recommended that the Board approve the pay request as submitted. He added that a second pay request will likely be issued for restoration work to be done on the shoulders and ditches. He also added that the contractor will need to address issues with the installation of a culvert on 61st Street in 2014.

Motion (Gruhn, McMahon) to approve Pay Request #1 to Stark Asphalt for \$168,296.29 for the 61st Street paving and drainage project, MC.

Application for a Fireworks License by James Elliott for a fireworks display on September 21, 2013 (or September 22, 2013 rain date) at the residence of Clement and Erin Stublaski, 18502 52nd Road, Union Grove

McKinney noted that the applicant did provide the necessary insurance coverage for the event.

Motion (McMahon, Gruhn) to approve the application for a Fireworks License by James Elliott for a fireworks display on September 21, 2013 (or September 22, 2013 rain date) at the residence of Clement and Erin Stublaski, 18502 52nd Road, Union Grove, MC.

Application for a 2013-2014 Operator's License for Teresa Olsen-Caldwell, 1404 South Colony Avenue, Union Grove

Motion (McMahon, Gruhn) to approve the application for a 2013-2014 Operator's License for Teresa Olsen-Caldwell, 1404 South Colony Avenue, Union Grove, MC.

Application for a 2013-2014 Operator's License for Samantha Humburg, 3048 93rd Street, Sturtevant

Motion (Gruhn, McMahon) to approve the application for a 2013-2014 Operator's License for Samantha Humburg, 3048 93rd Street, Sturtevant, MC.

Enrollment in direct deposit for payroll with Community State Bank

McKinney noted that the Town could enroll in direct deposit for payroll with Community State Bank at a cost of \$5.00 per payroll, at an annual cost of \$120.00 to the Town. An informal poll of the Town Board and Plan Commission indicated that most would not be interested in participating in this program.

Motion (McMahon, Hansen) to deny the request to enroll in direct deposit for payroll with Community State Bank, MC.

Amending the Deputy Clerk-Treasurer's work schedule

Hansen noted that the Board was responsible for setting the hours of the Deputy Clerk-Treasurer's work schedule, contingent upon input from the Clerk-Treasurer, who supported the change. He added that the Deputy Clerk-Treasurer had requested to change her work

hours from 9:00 a.m. to 4:30 p.m. to 8:00 a.m. to 3:30 p.m. McKinney noted that the Deputy Clerk-Treasurer would be willing to change her schedule for tax collection if necessary.

Motion (Hanson, Gruhn) to change the Deputy Clerk-Treasurer's work schedule from 9:00 a.m. to 4:30 p.m. to 8:00 a.m. to 3:30 p.m., MC.

Amending and/or clarifying the personnel manual regarding accrual and use of sick and vacation time

McKinney noted that the personnel manual was not clear on whether employees earned sick and vacation time at the beginning of the year or over the course of the year. The Board instructed McKinney to have employees earn sick and vacation time at the beginning of the year rather than accrue it over the course of the year. The Board also instructed McKinney to have all vacation time earned in 2013 and 2014 be used by the end of 2014.

No formal action was taken by the Board on this agenda item.

Rescheduling the September 23, 2013 Regular Town Board meeting

Hansen noted that he would not be able to attend the regularly scheduled meeting on September 23, 2013, due to a prior commitment.

Motion (Hansen, McMahan) to reschedule the Town Board meeting to Wednesday, September 25, 2013 at 6:00 p.m., MC.

Setting hours for the 2013 Trick or Treat

The Board noted that Trick or Treat was scheduled to take place at the same time as that for the Village of Union Grove, from 5:30 p.m. to 7:30 p.m. on Thursday, October 31, 2013.

No formal action was taken by the Board on this agenda item.

Setting dates for the annual Town budget workshops

McMahon asked McKinney to solicit proposals for the Town's 2014 property insurance. The Board chose to hold their first budget workshop on Monday, October 7, 2013 at 9:00 a.m.

No formal action was taken by the Board on this agenda item.

Reports

Constable's Report: O'Brien provided his report to the Board. He noted that he was still trying to gain access to the Jenkins property at 17806 Spring Street but has not been able to contact the resident, who may not be living at the property. He added that he has been working with the Jenkins' attorney to gain access to the property.

He also discussed the junk complaint involving the Ledezma property at 2406 59th Drive and noted that while the issue appears to have improved, there is still some equipment being stored at the property. Hansen noted that Racine County dismissed this violation a week ago but asked O'Brien to monitor the site to ensure that issues do not redevelop.

Building Inspector's Report: The building inspector was not present to provide his report.

Motion (Hansen, Gruhn) to accept the Building Inspector's report as submitted, MC.

Engineer's Report: Madsen provided his report to the Board. He noted that the repaving project on 67th Street was largely completed and only required shouldering and striping at this time. He also asked the Board to act quickly to identify a list of road projects for 2014 to take advantage of better bid pricing for projects bid out earlier in the year.

Clerk's Report: McKinney provided his report to the Board. He reported that Bob Gleason from Capital RV Motor Home City contacted him regarding his conditional use permit violation and informed McKinney that the excess vehicles would be removed from the site by the weekend of September 15th. McKinney also reported that he received a picnic license request from a group for a benefit at the VFW Building at the fairgrounds. McKinney added that he instructed the applicant that he would need to be sponsored by a qualifying organization as the applicant did not have the organization status necessary to qualify for a picnic license.

McKinney noted that Gerald Karwowski reported that the compactor at the trash collection site was not working and added that the problem was resolved when the fuse for the transformer supplying electricity to the compactor was replaced. He informed the Board that the Town would receive \$33,480 in expenditure restraint revenue in November, which was slightly more than was originally anticipated. He also noted that John Kurt contacted him about a site plan update and that he forwarded the request to Racine County.

Treasurer's Report

Other – Comments, questions and suggestions

Nelson requested that the Plan Commission continue to receive financial reports, invoice lists and the building inspector's reports with their packets.

Geschke asked about the issues the Town was experiencing with large mounds of material kept at the Roberts property at Highways 20 and 45. She added that the site should be cleared of the mounds, graded and reseeded. Hansen noted that both the County and DNR have been involved in this issue due to the impact on runoff and local waterways. McMahon noted that it appears that topsoil is being screened and removed from the site. Madsen noted that he would check to see what activity was allowed at the site. The Town Board requested that this item be put on the next meeting agenda.

Nelson asked about the large piles of landscaping debris at the Erickson property at 18917 Spring Street. Hansen noted that the County is reviewing the issue and added that chipping is still going on where only storage has been allowed.

Adjournment

Motion (McMahon, Nelson) to adjourn, MC. The meeting was adjourned at 7:29 p.m. The next scheduled Town Board meeting is Wednesday, September 25, 2013, at 6:00 p.m.

Michael McKinney
Town Clerk-Treasurer