

MINUTES

TOWN OF YORKVILLE JOINT TOWN BOARD/PLAN COMMISSION TOWN BOARD ROOM MONDAY, OCTOBER 14, 2013

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 and Nathan Skewes. Gary Fink, Douglas Nelson, Barbara Geschke and Robert Root were absent. The Plan Commission did not have a quorum present for this meeting. Also present were American Family Insurance Agent Lawrence Neau, John Kurt representing Wildwood Holdings, LLC, Dave Flannery representing Apple Farm Management, Joshua Armantrout and Yaima Armantrout representing Fluid Consulting, LLC, Dan Neider representing Stonecrest Shores, Nan Calvert representing Kenosha/Racine Land Trust, Inc., Dan Oakes, Town Engineer Mark Madsen, Town Attorney Timothy Pruitt, Town Clerk-Treasurer Michael McKinney and approximately 3 others in attendance.

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

Meeting with American Family Insurance Agent Lawrence Neau regarding ISO Fire Insurance Rating changes

American Family Insurance Agent Lawrence Neau met with the Board to discuss the recent increase in the ISO Fire Insurance Rating for the Union Grove-Yorkville Fire Department. He noted that the increase was the result of the Fire Department not completing a shuttle test of 250 gallons per minute for one hour. He added that the Fire Department is working to complete the test, which should result in a restoration of its previous rating.

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

Approval of Minutes

Motion (McMahon, Gruhn) to approve the September 25, September 27, October 7, and October 10, 2013 Town Board meeting minutes as submitted, Motion Carried (MC).

Financial Report

Motion (Hansen, McMahon) to approve the September Town financial report, MC.

Approval of Invoices

Motion (Gruhn, McMahon) to approve Town invoices in the amount of \$52,258.50, MC.

Public Hearing – The Town Board held a joint public hearing to hear public comment on an application for approval of a Conditional Use Permit and Site Plan by Wildwood Holdings, LLC, for the property located at 20815 Durand Avenue, Unit 4 (Parcel ID # 018-03-21-31-018-014) to permit construction of a 60' by 120' by 16' four-unit, leased tenant space with designated shop and office areas intended primarily for small construction or service-oriented firms

Hansen opened the public hearing at 6:14 p.m.

John Kurt of Wildwood Holdings, LLC presented his proposal to the Board. He noted that the building would be similar to those already on the property and added that it would not house more than four businesses. He also added that he does not have any tenants lined up at this time. He noted that he does not have a specific timeline for the project but expects to pull permits by the first week of November, pour the foundation around Thanksgiving and have the building shell completed by the end of the year.

With no other comments forthcoming, Hansen closed the public hearing at 6:19 p.m.

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

Application for approval of a Conditional Use Permit and Site Plan by Wildwood Holdings, LLC, for the property located at 20815 Durand Avenue, Unit 4 (Parcel ID # 018-03-21-31-018-014) to permit construction of a 60' by 120' by 16' four-unit, leased tenant space with designated shop and office areas intended primarily for small construction or service-oriented firms

Pruitt noted that the Plan Commission could not make a formal recommendation to the Town Board as there was not a quorum present. He added that a consensus could be taken from the Plan Commission members in attendance to determine if they had any comments to provide on the project. The Plan Commission formed a consensus that the proposal was consistent with the property's intended use.

Motion (McMahon, Gruhn) to approve the Conditional Use Permit and Site Plan application submitted by Wildwood Holdings, LLC, for the property located at 20815 Durand Avenue, Unit 4, to permit construction of a 60' by 120' by 16' four-unit, leased tenant space with designated shop and office areas intended primarily for small construction or service-oriented firms, with no conditions, MC.

Application for approval of the First Addendum to the Wildwood Commons Business Park Condominium Plat (20815 Durand Avenue) by Wildwood Holdings, LLC

Kurt noted that the proposed addendum was brought about by a offer to purchase one of the lots on the property. He added that this addendum would result in minor adjustments to the lot lines of Lots 6, 7 and 8. He noted that this proposal would only impact interior lot lines. Pruitt noted that this proposal would not impact any water, sewer or stormwater easements on the site.

Motion (Gruhn, McMahon) to approve the First Addendum to the Wildwood Commons Business Park Condominium Plat, with no conditions, MC.

Application for approval of an updated Site and Master Plan by Apple Farm Management (Apple Holler) for the property located at 5006 South Sylvania Avenue (Parcel ID 018-03-21-36-011-000) to permit several new outdoor kiosks/food concession booths at the site

Dave Flannery of Apple Farm Management presented his proposal to the Board. He noted that the request included siting of several titled trailers he purchased in June. He added that the outdoor bathrooms included on previous plans would be located next to the picnic pavilion. The Board and Flannery also discussed the vehicles parked on the road in front of Apple Holler on weekends.

Motion (Hansen, Gruhn) to approve the updated Site and Master Plan application submitted by Apple Farm Management (Apple Holler) for the property located at 5006 South Sylvania Avenue, to permit several new outdoor kiosks/food concession booths at the site, with no conditions, MC.

Application for Occupancy approval by Platford Commercial Realty on behalf of Fluid Consulting, LLC to permit an engineering consulting firm focusing on manufacturing and product development in the space located at 1500 South Sylvania Avenue, Unit 108

Joshua Armantrout of Fluid Consulting, LLC appeared before the Board to discuss his request. He noted that his company is involved in some product development but focuses largely on prototyping. He added that all machinery will be located inside the building. He also added that his company has been in business since 2005.

Motion (Gruhn, McMahon) to approve the Occupancy application submitted by Platford Commercial Realty on behalf of Fluid Consulting, LLC, to permit an engineering consulting firm focusing on manufacturing and product development in the space located at 1500 South Sylvania Avenue, Unit 108, with no conditions, MC.

Asphalting status in Woodland Waters and Stonecrest Shores Subdivisions

Draw from or extension of Stonecrest Shores Subdivision letters of credit

Change in cash deposit amount for Woodland Waters Subdivision asphalting

Amended Stewardship Plans for Woodland Waters and Stonecrest Shores Subdivisions

Dan Neider of Stonecrest Shores was present to discuss these agenda items with the Board. He informed the Board that Ray Leffler of Woodland Waters was not able to appear before the Board but added that Leffler authorized Neider to speak on his behalf. Neider noted that the asphalting approved in September has not been completed because he received an asphalting quote from Black Diamond that was lower than the quote he received from Payne and Dolan that the Board approved in September.

He added that Black Diamond could not complete the asphalting immediately but would repair any existing defects in the road surface. He noted that Black Diamond offered to perform the asphalting and repair work next year at the same price. Neider noted that he could go forward with Payne and Dolan if they would do the work immediately. Madsen

informed Neider that shouldering should be done in accordance with the existing subdivision plans.

Madsen noted that an issue yet to be addressed is the driveway approaches that extend out into the asphalted portion of the street. He added that those approaches would need to be cut back several feet to accommodate the new asphalt. Hansen recommended that Neider talk to individual property owners that might be affected this issue. Madsen also discussed the Town's responsibilities regarding the replacement of driveway approaches and culverts.

Madsen noted that the paving could be done as long as the temperature did not remain too low. The Board recommended that Madsen be present when the asphaltting work is completed to ensure that the conditions are appropriate for asphaltting. Neider noted that he would not permit asphaltting if the weather was too cold.

Pruitt discussed the letters of credit held by the Town for Stonecrest Shores that cover the final lift of asphalt and the remaining subdivision work. He noted that they expire on November 15th and would need to be renewed. Pruitt added that the letters of credit should be in force for at least a year to cover the one year warranty on the final lift of asphalt and should include a 10% contingency. Pruitt noted that the Town would need a signed asphaltting contract to verify the correct amount in the quote.

Neider discussed the budget for the conservation easement, including what still remains to be completed. He also described the areas within the easements that were already planted. Nan Calvert of the Kenosha/Racine Land Trust noted that the Land Trust has not approved any of Neider's updated proposals, especially as they relate to the conservation easements. She added that it appeared that the conservation easements were sprayed with herbicide before they were planted this year and noted that Neider agreed to reseed those areas in June. Pruitt noted that the Land Trust would need to approve the amended stewardship plans for both subdivisions before the Town could take any action on them. Hansen recommended that Pruitt work with Neider, Leffler and the Land Trust to attain final approval of the stewardship plans. The Board then discussed the appropriate amounts that should be established for the Stonecrest Shores letters of credit, noting that they should at least cover the remaining asphaltting and conservation easement work.

Motion (Hansen, McMahon) to require that Dan Neider and Stonecrest Shores establish new letters of credit with a one-year renewal period in the amounts of \$184,000 for all remaining asphaltting work and \$50,000 for all remaining conservation easement work to replace all existing letters of credit before their expiration in November, to authorize the Clerk-Treasurer to begin working on the letter of credit process with Stonecrest Shores on behalf of the Town of Yorkville, to require that both Woodland Waters and Stonecrest Shores increase their escrow account balances to \$1,000 to cover any legal and engineering expenses, and to approve the updated asphaltting plan as submitted by Woodland Waters and Stonecrest Shores with the following conditions: that all asphalt shall be installed to Wisconsin Department of Transportation standards and that the asphalt installer warranty all asphaltting done as part of the proposed work, MC.

Motion (Hansen, McMahon) to table the amended Stewardship Plans for the Woodland Waters and Stonecrest Shores Subdivisions, MC.

Issues related to drainage and debris piles on Roberts property near STH 20 and USH 45

Dan Oakes addressed the Board on this agenda item. He informed the Board that work will begin on the site yet this week. He noted that access to the site will be restricted with concrete barricades and chains to eliminate continuing trespassing and dumping issues there. He also noted that clay and top soil will be brought in to finish the site and added that the site will be planted with winter wheat or alfalfa to prevent erosion. He said that he also planned to push any leftover rubbish onto the green areas on the site.

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

Pay request #2 from Stark Asphalt for \$2,200.80 for the 61st Drive paving and drainage project

Madsen noted that this pay request covers the restoration work completed as part of this project.

Motion (Gruhn, McMahon) to approve Pay Request #2 from Stark Asphalt for \$2,200.80 for the 61st Drive paving and drainage project, MC.

Pay request #1 from Payne and Dolan for \$106,319.08 for the 67th Drive paving and drainage project

Madsen noted that the Board could likely release the retainage held for this project at their second meeting in October.

Motion (McMahon, Gruhn) to approve Pay Request #1 from Payne and Dolan for \$106,319.08 for the 67th Drive paving and drainage project, MC.

Application for a 2013-2014 Operator's License by Jessika Koessl

Motion (McMahon, Hansen) to approve the application for a 2013-2014 Operator's License by Jessika Koessl, MC.

Proposal and contract submitted by Midwest Snow Control for snow removal at the Town's waste collection site, 19040 Spring Street

The Board reviewed the proposal and requested that McKinney contact Midwest Snow Control for a more detailed explanation of the quotes listed in the proposal provided to the Board.

Motion (McMahon, Gruhn) to table this agenda item until the Town Board meeting on Thursday, October 17, 2013, MC.

Designation of up to \$7,500 in the 2014 Town Budget for reimbursement of the Village of Union Grove for expenses related to the repair of the Union Grove-Yorkville Fire Department building

Motion (Gruhn, McMahon) to designate \$7,500 in the 2014 Town Budget for reimbursement of the Village of Union Grove for expenses related to the repair of the Union Grove-Yorkville Fire Department building, MC.

Reimbursement of Town expenses by the Yorkville Stormwater Utility District

Gruhn noted that the Yorkville Stormwater Utility District discussed reimbursing the Town for the time spent by Town staff on stormwater-related issues and has decided to reimburse the Town \$50.00 per month for those expenses.

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

Reports

Constable's Report: The Constable was not present to provide his report.

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

Engineer's Report: Madsen provided his report to the Board. He 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 informed the Board that he was contacted by an individual regarding the property located at 14520 50th Road, who wanted to know whether a mobile tire installation business would be permitted there. McKinney added that he advised the individual to contact Racine County Planning regarding the request.

Other – Comments, questions and suggestions

Gruhn noted that she was contacted by a resident about the potential subdivision of the property located at 612 55th Drive.

Adjournment

Motion (Hansen, McMahon) to adjourn, MC. The meeting was adjourned at 7:44 p.m. The next regularly scheduled Town Board meeting is Monday, October 28, 2013, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer