

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, MARCH 10, 2014**

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 and Nathan Skewes. Robert Root was absent. Also present were Tom Jung of Jung Trucking, Constable Terrence O'Brien, Attorney Tim Pruitt, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and one other attendee.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the February 24, 2014 Town Board meeting minutes as submitted, Motion Carried (MC).

Financial Report

Motion (Gruhn, McMahon) to approve the February Town financial report as submitted, MC.

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve Town invoices in the amount of \$185,520.35, MC.

Approval of Stormwater Invoices

Motion (McMahon, Gruhn) to approve Stormwater invoices in the amount of \$30,326.69, MC.

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

Application for extension of an existing Conditional Use Permit by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) to continue a non-metallic mining operation for clay extraction

Terrence O'Brien appeared before the Board and Plan Commission regarding this application. He noted that this permit would allow for clay excavation that could be used for upcoming reconstruction projects on I-94. O'Brien also noted that he planned to restore each phase of the site as excavation progresses and wants to construct a pond with a waterfall on the west end and a beach on the east end. He added that the excavation pit will

likely be thirty to fifty feet deep. The Board discussed the impact that this project may have on Braun Road, noting that this portion of Braun Road will be reconstructed this year. O'Brien noted that turn lanes could be installed off of Braun Road to try to limit road damage. The Board also discussed bond options that would ensure proper restoration of the site and Braun Road during the excavation project and upon its completion, such as requiring that a bond be in place before work begins and that would be in place throughout the entire project, setting up a bond that would only cover the phase that the project is currently in, and revisiting the bond on an annual basis to determine if any portion of the bond could be released. The Board felt that a bond and conditions guaranteeing full restoration of Braun Road and the subject site should be in effect before any work begins. O'Brien noted that he would need to apply for a state mining permit but added that the Wisconsin Department of Natural Resources did not require any permits for potential disturbances within the Des Plaines watershed.

Motion (Gruhn, Fink) to approve the Conditional Use Permit extension application by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) to continue a non-metallic mining operation for clay extraction, with the following conditions: that the 37 conditions established by the Racine County Planning and Development Committee on May 6, 2002 remain in effect, that the Town Attorney and Town Engineer work together to establish additional draft conditions for full restoration of Braun Road and the subject site, and that the Town Board and Plan Commission reconsider this item and the proposed additional conditions at their April 14, 2014 meeting, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation regarding the Conditional Use Permit extension application by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road, with no conditions beyond those recommended by the Plan Commission, MC.

Payment plan agreement for collection of outstanding mobile home parking fee balances

The Board discussed a draft letter and payment plan agreement to be sent to residents with outstanding mobile home parking fee balances that are subject to small claims action. Pruitt noted that the Town is required by state law to charge and collect interest at the rate of 1% per month on outstanding mobile home parking fee balances.

Motion (McMahon, Gruhn) to instruct the Clerk-Treasurer to send a letter to each mobile home resident with an outstanding parking fee balance to notify them that their outstanding balances will begin to be charged interest unless paid in full, MC.

Boat storage on the George Miller property at 1932 51st Drive

O'Brien informed the Board that he recently conducted a site visit at this property, adding that it appears that none of the boats have been removed from the site. He added that all of the boats stored there appear to be beyond repair. He noted that there was also a car on the property that would need to be removed. He informed the Board that the citation issued against the property owner for these infractions would be reinstated, adding that it will appear before the municipal judge again in May. The Board and Pruitt discussed various options for enforcement, including placing a lien on the property or removing the boats from the property and charging the cost of the removal against the property owner's tax bill.

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

Bids for the 2014 reconstruction of Braun Road from Woodland Trail to South Sylvania Avenue and 50th Road from 53rd Drive to North Sylvania Avenue as well as alternate bids for culvert replacement on Braun Road and bridge replacement on 50th Road

Madsen noted that Black Diamond Group submitted the lowest bid for the reconstruction of Braun Road and 50th Road. He added that the bid submitted by all three bidders for replacing the existing culvert pipe under Braun Road with a concrete culvert pipe was the same and slightly higher than the cost for replacing the existing culvert pipe with a corrugated steel culvert pipe. The Board discussed the bids submitted for replacement of the 50th Road bridge over the East Branch of the Root River Canal and felt that the bids were too high to consider completing the project at this time, given the amount of 2014 Bridge Aid available and that the 2014 road reconstruction budget would be exceeded if the Board approved only the reconstruction of Braun Road and 50th Road. Hansen noted that the bid for the reconstruction work on Braun Road and 50th Road could be approved this evening but added that it would be contingent upon receiving approval from the electors to exceed the statutory per mile highway expenditure limit at the annual meeting in April.

Motion (McMahon, Gruhn) to approve the bid submitted by Black Diamond Group in the amount of \$586,627.00 for the reconstruction of Braun Road from Woodland Trail to South Sylvania Avenue and of 50th Road from 53rd Drive to North Sylvania Avenue and for the replacement of an existing culvert pipe under Braun Road with a reinforced concrete culvert pipe, contingent upon elector approval at the Annual Town Meeting in April to exceed the existing budget for road construction and to exceed the per mile highway expenditure limit allowed by Wisconsin Statutes 82.03(2), and to take no action on the bids submitted for replacement of the 50th Road bridge over the East Branch of the Root River Canal, MC.

Project plan preparation for rehabilitation of the 58th Road bridge over the East Branch of the Root River Canal

Madsen noted that this bridge rehabilitation project includes adding culvert extensions. Hansen recommended that the Board consider delaying any action on this agenda item until they can conduct a visual inspection of the bridge during their annual road inspection in April.

Motion (Gruhn, McMahon) to table this agenda item until after the Town Board inspects the bridge during their annual road inspection on April 8, 2014, MC.

Approval for the Deputy Clerk-Treasurer to complete Notary Public certification

Motion (McMahon, Hansen) to instruct the Deputy Clerk-Treasurer to complete her Wisconsin Notary Public certification, MC.

Reports

Constable's Report: O'Brien provided his report to the Board. He noted that he plans to contact Steven Jenkins at 17806 Spring Street regarding access to the property. He added that he contacted Arthur Lechner, Jr. regarding the vehicles stored on his property at 15418

Spring Street. He noted that Lechner has not been able to work on his vehicles recently and added that he planned to remove enough vehicles from the property to bring the property back into compliance with the variance issued to Lechner by Racine County in 1989.

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

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

Engineer's Report: Madsen noted that he had no information to report to the Board.

Clerk's Report: McKinney provided his report to the Board. He noted that the upcoming spring election is on April 1 and added that absentee voting for that election begins on March 17. He noted that Hansen, Gruhn and Geschke will attend Board of Review training on March 15 in Whitewater. He added that he will be in a training session all day tomorrow to learn how to use the new water utility meter reading software. He noted that he received a complaint from a resident regarding noise coming from the Echo Lake Foods plant on Raymond Avenue. The Board considered adding the issue to the next joint Town Board/Plan Commission agenda and asked that McKinney contact the Constable to have him investigate the complaint.

He noted that he spoke to the Wisconsin Department of Transportation regarding road work planned for USH 45 north of Union Grove in 2017 and for USH 45 south of Union Grove in 2020. He added that this work would include widening shoulders, reducing ditch slopes, replacing pavement, adding turn lanes at the CTH A and USH 45 intersection and installing a roundabout at the CTH C and USH 45 intersection. He noted that he will contact Westbrook Associated Engineers for a 2014 bridge inspection service proposal. He also noted that the most recent service contract for the Constable expired in 2009. The Board requested that McKinney add an item to the March 24 Board meeting agenda for them to meet with the Constable in closed session to discuss a new contract and to add an agenda item to the April 14 meeting agenda to act on a new Constable contract.

Other – Comments, questions and suggestions

No comments, questions or suggestions were offered.

Adjournment

Motion (McMahon, Fink) to adjourn, MC. The meeting was adjourned at 7:48 p.m. The next regularly scheduled Town Board meeting is Monday, March 24, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer