

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, MAY 12, 2014**

### Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:01 p.m.

### Roll Call

The following Board members were present: Peter Hansen and Sherry Gruhn. Terrence McMahon was absent. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Barbara Geschke, Robert Root and Nathan Skewes. Douglas Nelson was absent. Also present were David Kovach, Rich Koehnke representing MABKGPNB, LLC, Israel Vargas representing Homerun Heaven, Yorkville Stormwater District Chair Steve Nelson, Code Enforcement Officer Terrence O'Brien, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and two other attendees.

### Approval of Minutes

***Motion (Gruhn, Hansen) to approve the April 28, 2014 and May 6, 2014 Town Board meeting minutes as submitted, Motion Carried (MC).***

### Financial Report

***Motion (Gruhn, Hansen) to approve the April Town financial report as submitted, MC.***

### Approval of Town Invoices

***Motion (Gruhn, Hansen) to approve Town invoices in the amount of \$66,903.66, MC.***

### Approval of Stormwater Invoices

Nelson noted that work on the East Branch of the Root River Canal is suspended for the summer, until temperatures drop again this fall.

***Motion (Gruhn, Hansen) to approve Stormwater invoices in the amount of \$4,614.62, MC.***

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

**Application for site plan review by MABKGPNB, LLC (with Rich Koehnke as agent) for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) to permit construction of two new self-storage mini-warehouse buildings to the west of the existing storage buildings at the southwest corner of the site**

Rich Koehnke appeared to present this proposal. He noted that the two proposed buildings will be 30 feet by 120 feet and 30 feet by 160 feet. He added that the new buildings will match the existing buildings in color, roof height and roof pitch. He noted that the applicant also needs State approval before moving forward on this project. He responded to questions regarding drainage by stating that there are stormwater drainage facilities on the property. He added that the proposed building site would have a 10" to 12" base of 3" stone around the buildings. He noted that the two buildings will have a setback of approximately 19 feet from the west property line. Hansen read a condition from the approval of the sixth storage building in 1995 regarding how runoff should not be impacted by any new development and recommended that the Plan Commission and Town Board add a similar condition to this approval.

***Motion (Fink, Geschke) to approve the site plan application submitted by MABKGPNB, LLC (with Rich Koehnke as agent) for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) to permit construction of two new self-storage mini-warehouse buildings to the west of the existing storage buildings at the southwest corner of the site, with the following conditions: that the applicant shall manage stormwater runoff on this parcel in such a manner so that the rate of runoff leaving the property upon completion of this project does not exceed the rate of runoff under existing conditions; that the applicant shall coordinate this stormwater management effort with the Town of Yorkville, MC.***

***Motion (Hansen, Gruhn) to accept the Plan Commission's recommendation regarding the site plan application submitted by MABKGPNB, LLC (with Rich Koehnke as agent) for the property located at 19031 Spring Street (CTH C), with no conditions beyond those established by the Plan Commission, MC.***

#### **Fireworks Permit application submitted by David Kovach for 17502 Plank Road on July 4, 2014**

David Kovach was present to discuss this application. He noted that he has been hosting fireworks events on his property every July 4<sup>th</sup> for the last five years. Hansen noted that the Town's attorney has reviewed the Town's ordinances regarding fireworks permits and has recommended that the Town consider some revisions to the ordinances to allow such events in the future, as the current ordinances do not allow for an individual to receive a fireworks permit. Hansen added that the Town Board should review the existing ordinances and come up with proposed changes to those ordinances before the end of June.

***Motion (Hansen, Gruhn) to approve the Fireworks Permit application submitted by David Kovach for 17502 Plank Road on July 4, 2014, MC.***

#### **Special Event Permit application submitted by Glen Cayemberg for a Union Grove Lions Club Chicken BBQ and Car Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 10:00 a.m. to 6:00 p.m. on Sunday, June 1, 2014**

McKinney noted that he has yet to receive picnic and temporary operator license applications from the Lions Club for this event.

***Motion (Gruhn, Hansen) to approve the Special Event Permit application submitted by Glen Cayemberg for a Union Grove Lions Club Chicken BBQ and Car Show at the***

***Racine County Fairgrounds, 19805 Durand Avenue, from 10:00 a.m. to 6:00 p.m. on Sunday, June 1, 2014, MC.***

**Resolution 05-2014 Designating and appointing a Plan Commission member to the Yorkville Stormwater Utility Commission**

Hansen noted that Robert Root will serve at the Plan Commission representative on the Yorkville Stormwater Utility Commission.

***Motion (Hansen, Gruhn) to approve Resolution 05-2014 as submitted, MC.***

**Resolution 06-2014 Authorizing the expenditure of funds held in the Wisconsin Local Government Investment Pool's Town Hall Building Account for 2014 highway expenditures**

Hansen noted that the Town's electors approved use of funds from this account for highway expenditures at the Annual Town Elector Meeting on April 12, 2011.

***Motion (Gruhn, Hansen) to approve Resolution 06-2014 as submitted, MC.***

**Resolution 07-2014 Amending the Town of Yorkville's 2014 General Fund Annual Budget**

Hansen noted that the Town's 2014 General Fund annual budget would need to be amended to allow for an increase in highway expenditures approved by the Town's electors at the Annual Town Elector Meeting on April 15, 2014.

***Motion (Gruhn, Hansen) to approve Resolution 07-2014 as submitted, MC.***

**Resolution 08-2014 Changing Program Options for the Wisconsin Public Employers' Group Health Insurance Program**

McKinney noted that this resolution provided authorization for the Town to switch from the Wisconsin Public Employers Full Pay option to the Wisconsin Public Employers Coinsurance option in the Wisconsin Public Employers' Group Health Insurance Program. He added that the Town Board made a motion to make this switch at their meeting on October 10, 2013. He informed the Board that he was made aware of a potential change to the Wisconsin Public Employers' Group Health Insurance Program that would provide a new option that allows employers to offer high-deductible health insurance coverage to their employees. He added that he would provide more information to the Board regarding this option once it became available.

***Motion (Hansen, Gruhn) to approve Resolution 08-2014, changing the Town's health insurance policy in 2015 from the Wisconsin Public Employers Full Pay option to the Wisconsin Public Employers Coinsurance option, MC.***

**Quotes for chip seal coating and/or slurry sealing on Town roads in 2014**

**Quotes for crack filling on Town roads in 2014**

McKinney noted that no updated quotes were prepared for this work.

***No formal action was taken by the Town Board on these agenda items.***

**Annual Special Event Permit application submitted by Israel Vargas for Homerun Heaven, 3400 South Sylvania Avenue**

Israel Vargas appeared before the Board regarding this application. He informed the Board that he would like to receive annual approval for various events, including rodeos, dog shows, car shows and Latin and country music events that would be coordinated with local radio stations. Hansen noted that Vargas could hold his regular softball events without notification of or prior approval by the Town Board. Vargas informed the Board that he was considering hosting an overnight softball tournament but would plan to come back before the Board to apply for permission to host that event. He noted that the overnight softball tournament would involve a home run derby, to be followed by a 24 to 36 team double elimination tournament. He added that music would not be broadcast during the tournament. Fink felt that neighbors should be made aware of such an event before it takes place. Hansen recommended that events end at 9:00 p.m. on Sundays. Vargas noted that he only requested a closing time of 11:00 p.m. on Sundays to match the closing time of a competing rodeo that has been held at the Racine County Fairgrounds. He added that he has been contacted by that same rodeo group about holding such an event on his property and noted that he has and will refuse such a request.

Hansen noted that Vargas needs to have the holding tanks on the property pumped out on a more frequent basis, citing past complaints regarding overflowing holding tanks. He added that Vargas should be required to submit a new holding tank agreement and holding tank servicing contract to the Town Board for their approval. Vargas noted that future road reconstruction along his property may require him to have the existing holding tanks moved to a new location or replaced. He added that this project will not impact any of the on-site parking or driveway access to the site. Hansen also brought attention to a damaged driveway culvert on the property and requested that the culvert be repaired. Vargas noted that he believes that the culvert will be replaced as part of the reconstruction project. He added that the culvert has been repaired several times but continues to be damaged by semi-truck traffic using that driveway. Geschke suggested that Vargas provide direct management and supervision of all events held on the property. Hansen recommended that the Board consider placing a limit on the number of events permitted each year. Vargas noted that he only plans to hold as many events as business would allow, adding that he would not hold more than two rodeos per month.

***Motion (Geschke, Root) to approve the annual Special Event Permit application submitted by Israel Vargas for Homerun Heaven, 3400 South Sylvania Avenue, with the following conditions: that a maximum of 12 of these events – rodeos, dog shows, car shows and/or music festivals – be allowed in 2014; that the applicant notify the Town of Yorkville at least a week in advance of any of these events being held; that events end no later than 11:00 p.m. on Fridays and Saturdays and 9:00 p.m. on Sundays; that the applicant submit an updated Holding Tank Agreement and an updated Holding Tank Servicing Contract to the Town of Yorkville for Town Board consideration and pay the \$30.00 fee necessary for recording these documents with the Racine County Register of Deeds; that the applicant ensures that the holding tanks are pumped as necessary and does not allow the tanks to fill to the point of***

***overflowing; that the applicant provide a Certificate of Liability Insurance to the Town of Yorkville for the Homerun Heaven property, MC.***

***Motion (Gruhn, Hansen) to accept the Plan Commission's recommendation regarding the annual Special Event Permit application submitted by Israel Vargas for Homerun Heaven, 3400 South Sylvania Avenue, with no conditions beyond those established by the Plan Commission, MC.***

## **Reports**

**Engineer's Report:** Madsen provided his report to the Board. He noted that he has attempted to contact Ray Leffler regarding the final lift of asphalt to be completed for the Woodland Waters Subdivision. He informed the Board that Black Diamond Group is preparing to move forward on the 50<sup>th</sup> Road and Braun Road repaving projects. He noted that he spoke to someone regarding whether filling any cracks in the base course for the Stonecrest Shores Subdivision was necessary before the final lift of asphalt was completed there. He added that the recommendation he received was to not provide any crack filling of the base course, as that may impact how the final lift adheres to the base course. He noted that he contacted Dan Neider regarding paving of the access driveway to the community mound systems in the Stonecrest Shores Subdivision. He added that the Town could pave a short distance of this driveway and require that Neider complete the remainder of the paving.

**Code Enforcement Officer's Report:** O'Brien provided his report to the Board. He noted that he met with Elaine Ekes and the property owner at 1932 51<sup>st</sup> Drive regarding the boats stored on the property. He added that the property owner has attempted to remove the boats but is still not in compliance with the order to remove the boats from the property. He noted that he has given the property owner 30 days to remove the boats from the property. He added that, if the removals are not completed by that time, this case will proceed to municipal court for prosecution. He noted that over \$100,000.00 in citations have accumulated against this property owner since enforcement of this issue began. He informed the Board that he has yet to make contact with the property owner at 17806 Spring Street. He added that he will seek an administrative search warrant to gain access to the property. He noted that he attempted to conduct site visits for ordinance violations at 15007 Two Mile Road and 2702 65<sup>th</sup> Drive. He added that it appears that someone may be living in one of the mobile homes on the property at 15007 Two Mile Road.

**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.***

**Clerk's Report:** McKinney provided his report to the Board. He reminded the Board that the May 26<sup>th</sup> Town Board meeting has been rescheduled to May 28, 2014, at 6:00 p.m., due to Memorial Day. He noted that the Racine County Planning and Development Department is drafting a letter to the property owner at 1315 55<sup>th</sup> Drive regarding commercial activity that is taking place there that was not allowed by the conditional use permit issued to the property owner in 2008. He informed the Board of a complaint he received from a property owner regarding drainage issues along West Frontage Road to the north of Evans Lane. He noted that the property owner believes that the drainage issues, which include ponding on his property, are the result of the recent work done on West Frontage Road. He added that this complaint has been forwarded on to the engineer in charge of the project for him to

investigate. He noted that the Town Attorney plans to have a draft resolution prepared for the June 9<sup>th</sup> Town Board meeting regarding approval of the exercise of eminent domain authority to acquire the necessary property interests to complete maintenance of the East Branch of the Root River Canal. He provided an update to the Board regarding the receivership status of the Travelodge Hotel and the Captain's Cove Seafood Bar and Grill. He noted that the receiver did not plan to pay for any charges incurred before they took over management of the two properties. He added that the two properties are currently listed for sale.

### **Other – Comments, questions and suggestions**

Hansen noted that he was contacted by Bill McReynolds regarding a business he runs that offers credit card processing services to municipalities. Hansen added that this business would install a credit card reader in the Town's office at no cost but would charge a 3.5% service charge for each transaction, which would be passed on to the payee. He noted that the Town of Burlington recently entered into a contract with this company. The Board and the Plan Commission suggested that Hansen invite McReynolds to a future meeting to present more information on this credit card processing system.

Geschke noted that Shawn Roberts is still working on a site on the south side of the road and west of the roundabout at STH 20 and USH 45. She added that it appears that more dirt has been brought in recently. She felt that the site should be seeded and activity there should cease. She also discussed a property owned by John Hribar on the north side of CTH C west of USH 45. She noted that there is ongoing excavation and debris storage on the property. Madsen noted that the entrance to the property should be chained off. He added that he will contact Dan Oakes for more information on this issue.

### **Adjournment**

***Motion (Fink, Gruhn) to adjourn, MC.*** The meeting was adjourned at 7:15 p.m. The next regularly scheduled Town Board meeting is Wednesday, May 28, 2014, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*