

MINUTES

**TOWN OF YORKVILLE
TOWN BOARD
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JUNE 23, 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. Also present were Raymond Stibeck III representing Route 20 Outhouse, Yorkville Stormwater District Chair Steve Nelson, Code Enforcement Officer Terrence O'Brien, Engineer Mark Madsen, Attorney Timothy Pruitt and Clerk-Treasurer Michael McKinney.

Approval of Minutes

McMahon requested a change to the June 9, 2014 meeting minutes to reflect a change to the quote provided by Scott Construction for 2014 Town road chip seal coating and/or slurry sealing. He noted that the updated quote and the motion to approve the quote should include the following changes: that the total quote provided be changed from \$38,050.00 to \$39,000.00 and that the quote provided for seal coating with pea gravel of 58th Road from 55th Drive to 51st Drive be changed from \$14,550.00 to \$15,500.00.

Motion (McMahon, Hansen) to approve the June 9, 2014 joint Town Board/Plan Commission meeting minutes, with the following amendments: that the total quote provided by Scott Construction for 2014 Town road chip seal coating and/or slurry sealing be changed from \$38,050.00 to \$39,000.00, and that the quote provided for seal coating with pea gravel of 58th Road from 55th Drive to 51st Drive be changed from \$14,550.00 to \$15,500.00, Motion Carried (MC).

Approval of Town Invoices

Motion (Gruhn, McMahon) to approve Town invoices in the amount of \$47,039.39, MC.

Approval of Stormwater Invoices

The Board discussed the recent announcement that Shawn Roberts Lawn and Tree Service was placed into receivership this month. Discussion focused on what impact the receivership would have on Shawn Roberts' ability to complete the final year of maintenance on the East Branch of the Root River Canal, whether any retainage can be withheld if Shawn Roberts is not able to fulfill the terms of the maintenance agreement and the disposition of any felled trees that have not been removed from affected properties along the canal.

Motion (Gruhn, Hansen) to approve Stormwater invoices in the amount of \$2,883.13, MC.

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

License and permit applications for the period of July 1, 2014 to June 30, 2015 for the following licenses and permits:

- Apple Holler, 5006 South Sylvania Avenue (Agent: Arthur David Flannery)
 - Combination Class B beer and liquor license
 - Operator licenses
 - Elyse Flannery
 - Riley Flannery
 - Vicki Flannery
 - Rebecca Leonard
- Captain's Cove Seafood Bar and Grill, 904 South Sylvania Avenue
 - Gaming machine license
 - Operator Licenses
 - Megan Deak
 - Tracey Deak
- Country Rose Bakery and Café, 19319 Washington Avenue (Agent: Rosalie Laketa)
 - Class "B" beer and "Class C" wine licenses
 - Operator licenses
 - Rita Zadurski
- Fairway Café/Ives Grove Golf Links, 14101 Washington Avenue
 - Operator licenses
 - KelliAnne McSorley
- Highlands Petro, 717 South Sylvania Avenue (Agent: Shari L. Erskine)
 - Combination Class B beer and liquor license
 - Operator licenses
 - Jay Enhoff
 - Korey Hintz
 - Jana Martino
 - Myron Tucker
- Home Run Heaven, 3400 South Sylvania Avenue (Individual Applicant: Ciro Gabriel Vargas)
 - Class "B" beer license
 - Operator licenses
 - Christian Reyes
 - Israel Vargas
 - Rosaura Vega
- Racine Instinctive Bowmen, 14403 50th Road (Agent: Keith A. Elliott)
 - Combination Class B beer and liquor license
 - Operator licenses
 - Keith Elliot
 - James Gaastra
 - Daniel Gruhn
 - Harold Gruhn
 - Larry Radcliff
 - John Stevens
- Roseanne's Floral, 1818 South Colony Avenue (Individual Applicant: Roseanne Fohr)
 - "Class A" liquor license

- Operator licenses
 - Diane Sluga
- Sniknej Company, Inc., SW Quadrant I-94 and Highway 20 (Agent: Martha Jenkins)
 - Combination Class B beer and liquor license
- Travelers Inn, 14017 Durand Avenue
 - Hotel/motel license
- Route 20 Outhouse, 14001 Washington Avenue (Agent: Raymond J. Stibeck III)
 - Combination Class B beer and liquor license
 - Operator licenses
 - Teresa Olsen-Caldwell

Raymond Stibeck III appeared on behalf of Route 20 Outhouse. He informed the Board that, since Route 20 Outhouse is a 300-seat, full-service restaurant that is not subject to the state's "Class B" liquor license quota, he is willing to allow the Board to approve his "Class B" liquor license as an exception to the Town's existing "Class B" liquor license quota of seven licenses, which will allow for "Class B" liquor licenses to be granted to both Sniknej Company and Highlands Petro. He noted that he plans to finalize his purchase of the vacant 1.3-acre lot behind his property, currently owned by Sniknej Company, sometime this week. He added that he plans to use this property for additional parking, a tiki bar, horseshoe pits and sand volleyball courts. He noted that he plans to operate the tiki bar, horseshoe pits and sand volleyball courts on a seasonal basis. He added that, per the property sale agreement between himself and Sniknej Company, he plans to apply for the "Class B" liquor license currently held by Sniknej Company, upon such time as Sniknej Company surrenders the license, for use with both the new tiki bar and the proposed banquet facility he plans to construct on the 4.57-acre parcel he still plans to purchase from Sniknej Company.

The Board also discussed the license applications for Home Run Heaven and Travelers Inn. McKinney noted that he is still waiting for a copy of the seller's permit and two responsible server training certificates from Home Run Heaven and 14 months of past due motel tax reports and late fees from Travelers Inn. He recommended that the Board approve those license applications but requested that the Board further instruct him to refrain from issuing those licenses until such time as the information he has requested is provided.

Motion (Hansen, McMahon) to approve all listed 2014-2015 license and permit applications with no conditions, with the exception of the following, which shall be addressed separately: all license applications submitted for Home Run Heaven, 3400 South Sylvania Avenue; the hotel/motel license application submitted for Travelers Inn, 14017 Durand Avenue; the Combination Class B Beer and Liquor license application submitted for Route 20 Outhouse, 14001 Washington Avenue, MC.

Motion (McMahon, Hansen) to approve all license applications submitted for Home Run Heaven, 3400 South Sylvania Avenue, and the hotel/motel license application submitted for Travelers Inn, 14017 Durand Avenue, with the condition that the Clerk-Treasurer only issue these licenses upon receipt of all information requested from each applicant, MC.

Motion (Hansen, Gruhn) to approve the Combination Class B Beer and Liquor license application submitted for Route 20 Outhouse, 14001 Washington Avenue, as an exception to the Town's existing "Class B" liquor license quota of seven licenses,

based upon the exception permitted for a 300-seat, full-service restaurant under Wisconsin Statutes 125.51(4)(v), MC.

Stibeck informed the Board that he plans to apply for the Combination Class B Beer and Liquor license currently held by Sniknej Company under the name of a new corporation he plans to establish, called GZK, Inc. Pruitt noted that the transfer of this license could probably be handled administratively without Town Board approval.

Motion (Gruhn, McMahon) to approve the transfer of the Combination Class B Beer and Liquor license granted to Sniknej Company, Inc. to GZK, Inc., upon submission of documentation to the Town of Yorkville showing transfer of the vacant property at 14015 Washington Avenue from Sniknej Company, Inc. to GZK, Inc., MC.

License and permit applications submitted by the Racine County Agricultural Society for the period of Wednesday, July 23, 2014 to Sunday, July 27, 2014, for the Racine County Fair, located at the Racine County Fairgrounds, 19805 Durand Avenue, with daily operating hours of 8:00 a.m. to 12:00 a.m., including the following applications:

- Special Event Permit
- Temporary Combination Class B license to sell fermented malt beverages and wine in the Activity Center and the Grandstand area
- Temporary Operator Licenses for:
 - Jeffrey Ehrhart
 - William Henderson
 - Matthew Newholm
 - Mike Newholm
 - Peter Scheckel
 - Kenneth Uhlenhake

Motion (Gruhn, McMahon) to approve all license and permit applications submitted by the Racine County Agricultural Society for the period of Wednesday, July 23, 2014 to Sunday, July 27, 2014, for the Racine County Fair, located at the Racine County Fairgrounds, 19805 Durand Avenue, with daily operating hours of 8:00 a.m. to 12:00 a.m., with no conditions, MC.

Pay request #1 from Black Diamond Group for the 50th Road and Braun Road paving and drainage projects

Madsen noted that the majority of this pay request covers the cost of repaving 50th Road. He added that the Town will receive at least one more pay request and noted that the final amount paid for both projects will be close to the total bid provided by Black Diamond Group.

Motion (McMahon, Gruhn) to approve Pay Request #1 from Black Diamond Group in the amount of \$288,921.74 for the 50th Road and Braun Road paving and drainage projects, MC.

Racine County Public Works Department quotes for 2014 Town road maintenance work

The Board discussed the shouldering quotes provided by the Racine County Public Works Department. McMahon noted that he plans to review the quote to determine which areas covered in it are most in need of shouldering. He added that shouldering of Martin Drive was not included in this quote. He informed the Board that the Racine County Public Works Department plans to submit a bid on any seal coating projects the Town might consider for next year.

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

Increase to 2014 Town of Yorkville General Fund's Dues, Convention and Education Budget

McKinney noted that the 2014 budget for this line item is \$2,500.00. He added that expenditures to date for this line item total \$2,166.09. He noted that several planned expenditures to be made before the end of the year will cause this line item to go over budget, including approximately \$200.00 budgeted for the Deputy Clerk-Treasurer to attend training in Green Bay and approximately \$950.00 budgeted for various annual association dues. He added that he would like to attend two conferences this year at a cost of approximately \$500.00 each and noted that the Deputy Clerk-Treasurer would like to attend a one-day seminar at a cost of approximately \$170.00.

Motion (Hansen, McMahon) to do the following: to pay approximately \$200.00 for the remaining expenses for the Deputy Clerk-Treasurer to attend training in Green Bay; to pay approximately \$950.00 for the remaining expenses for various annual association dues; to allow the Clerk-Treasurer to attend one conference in 2014 at a approximate cost of \$500.00; to deny the expenditure of \$170.00 for the Deputy Clerk-Treasurer to attend a one-day seminar, MC.

Temporary appointment of Karen Peterson as office assistant on July 14 and 15, 2014

McKinney noted that Peterson was previously paid \$20.00 an hour for providing similar office support for the Town. He added that this expenditure was not specifically included in the budget, which is why he brought it to the Board for their consideration.

Motion (McMahon, Gruhn) to temporarily appoint Karen Peterson as office assistant on July 14 and 15, 2014, at a pay rate of \$20.00 per hour, MC.

Reports

Code Enforcement Officer's Report: O'Brien provided his report to the Board. He noted that one boat has been removed from the property at 1932 51st Drive since his last report and added that minimal cleanup has taken place on the property since that time. He informed the Board that the Racine County Planning and Development Department contacted the property owner at 17806 Spring Street regarding the mobile homes and office trailers being kept on the property. He added that the property owner might request permission from Racine County allowing him to keep these units on his property. He noted that the property owner at 17806 Spring Street has an initial municipal court appearance scheduled on August 7 and added that both property owners are scheduled to appear in municipal court for trial in September.

He informed the Board that he has attempted to contact the property owner at 17908 Old Yorkville Road regarding the overgrown lawn there.

Engineer's Report: Madsen provided his report to the Board. He and the Board discussed drainage issues on the property located at 17831 58th Road. Discussion focused on a potentially collapsed drainage tile on another property that is causing water to back up and pond near the mound system on the property being discussed. Discussion also focused on whether the Town could require that this damaged drain tile be repaired, as any ponding near the mound system might create a possible health-related nuisance. Madsen and the Board also discussed ongoing issues on the Mathiesen property, located on the south side of STH 20 to the west of the STH 20/USH 45 roundabout, including that dirt continues to be hauled in and excavated there. McKinney read the minutes from the October 14, 2013 Town Board meeting, where Dan Oakes stated that restoration of the site would begin that month. The Board asked McKinney to contact Dan Oakes to get an update on when property restoration would be completed there. Madsen noted that the I-94/STH 20 reconstruction project manager contacted him to request that the project's contractor be allowed run a concrete crusher during the overnight hours to catch up on work delayed by recent weather. After agreeing that the Town would have minimal control over this type of operation, the Board instructed Madsen to contact the project manager to give him permission to move forward on the proposed overnight work.

Clerk's Report: McKinney provided his report to the Board. He noted that Hansen did contact the Racine County Planning and Development Department regarding the ongoing noise complaints made against the commercial property at 2319 Raymond Avenue. Hansen noted that the Department would not be able to enforce any noise violations but will investigate whether the commercial operation is in violation of its conditional use permit. McKinney noted that he has not received any objector paperwork for Wednesday's Board of Review.

Other – Comments, questions and suggestions

The Board discussed the process involved in changing Town road speed limits and requested that Pruitt investigate this issue further. Steve Nelson questioned whether the Yorkville Stormwater Utility District should rebid its final year of planned maintenance on the East Branch of the Root River Canal, due to the recent receivership order filed against Shawn Roberts Lawn and Tree Service. Pruitt recommended that the Town contact the receiver to discuss this issue with them.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 6:57 p.m. The next regularly scheduled Town Board meeting is Thursday, July 17, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer