

## MINUTES

**TOWN OF YORKVILLE  
TOWN BOARD  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, JULY 28, 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 John Fonk, Patrick Saltzberry, Raymond Leffler representing Altamount Development, Israel Vargas representing Home Run Heaven, Yorkville Stormwater District Chairperson Steve Nelson, Code Enforcement Officer Terrence O'Brien, Engineer Mark Madsen and Clerk-Treasurer Michael McKinney.

### **Approval of Minutes**

***Motion (McMahon, Gruhn) to approve the July 17, 2014 joint Town Board/Plan Commission meeting minutes as submitted, Motion Carried (MC).***

### **Approval of Town Invoices**

***Motion (Gruhn, McMahon) to approve Town invoices in the amount of \$27,178.23, MC.***

### **Approval of Stormwater Invoices**

McKinney noted that the Stormwater Utility currently has a \$796.82 credit balance with Nielsen Madsen and Barber, who submitted a \$273.00 invoice to the Stormwater Utility this month. He added that this credit balance is being applied to this invoice.

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

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

#### **Request from John Fonk for installation of a new culvert on 69<sup>th</sup> Drive near the property at 4712 69<sup>th</sup> Drive**

John Fonk appeared before the Board to request installation of a second culvert under 69<sup>th</sup> Drive south of the driveway to the 4712 69<sup>th</sup> Drive property. He noted that stormwater drains from a large area to the west and stated that the capacity of the existing culvert there is insufficient to handle the existing flow, as water tends to flow over 69<sup>th</sup> Drive during major rain events. Madsen noted that he conducted a site inspection there, stating that there is currently standing water in the existing culvert that cannot drain and adding that stone is being washed away from the end of the driveway at 4712 69<sup>th</sup> Drive. He suggested that the Town could leave the existing culvert in place and install a new culvert under 69<sup>th</sup> Drive south of the driveway to the 4712 69<sup>th</sup> Drive property. Madsen added that he could assemble more survey data for the existing culvert and check the culvert for obstructions. Fonk and the Board also discussed the letter sent to Fonk by the Wisconsin Department of Natural Resources regarding the work done

along both sides of 69<sup>th</sup> Drive. The Board discussed working with the Village of Union Grove on this project, as the east half of 69<sup>th</sup> Drive in that area is within Village limits.

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

**Request from Altamount Development for a \$70,000 reduction of the cash deposit held by the Town of Yorkville for completion of the final course of asphalt in the Woodland Waters Subdivision**

Raymond Leffler appeared on behalf of Altamount Development regarding this request. He informed the Board that, after speaking with the Town's attorney about this request, he wished to adjust the request from \$70,000.00 to \$58,000.00, adding that the remaining \$22,000.00 balance is a guarantee of the one-year warranty of the asphalt work completed in the Woodland Waters Subdivision and of completion of the Woodland Waters Subdivision stewardship plan. Leffler noted that two acres of the conservation area were planted with corn, but added that the corn was removed to make way for new prairie vegetation. Madsen noted that he found no issues during his inspection of the final course of asphalt.

***Motion (Hansen, McMahan) to reduce the cash deposit principal held by the Town of Yorkville for completion of the final course of asphalt in the Woodland Waters Subdivision from \$80,000.00 to \$22,000.00, MC.***

**2014 Leadership Union Grove program application**

McKinney noted that the Town makes an annual budgetary contribution of \$650.00 to this program and added that there is no additional cost for the Town to participate in this program. He also noted that the application deadline for this program is July 31.

***Motion (McMahon, Gruhn) to submit an application for and participate in the 2014 Leadership Union Grove program, MC.***

**Proposals for conducting speed and engineering studies on Town roads**

McKinney provided a summary of two quotes provided to the Town for conducting speed and engineering studies on Town roads, specifically on 65<sup>th</sup> Drive and Braun Road. He also provided a summary of correspondence with the Wisconsin Towns Association regarding speed limit changes, noting that the Wisconsin Towns Association stated that speed and engineering studies are necessary for any local speed limit change, regardless of what the change would be. The Board asked for more information on whether the Racine County Public Works Department or the Racine County Sheriff's Department could provide a speed trailer to the Town that can record traffic speeds and vehicle counts. The Board opted to not pursue any speed limit changes on Braun Road.

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

**Pay request #2 by Payne and Dolan for the 2013 67<sup>th</sup> Drive paving and drainage project**

**Pay request #3 by A.W. Oakes for the 2012 Braun Road cross culvert replacement project**

**Pay request #3 by Stark Asphalt for the 2013 61<sup>st</sup> Drive paving and drainage project**

Madsen noted that the submitted pay requests are for the return of retainages held on projects completed in 2012 and 2013. He added that he had no objections to the Town's release of those retainages.

***Motion (McMahon, Gruhn) to approve the following pay requests: Pay Request #2 by Payne and Dolan in the amount of \$2,799.13 for the 2013 67<sup>th</sup> Drive paving and drainage project; Pay Request #3 by A.W. Oakes in the amount of \$2,562.62 for the 2012 Braun Road cross culvert replacement project; Pay Request #3 by Stark Asphalt in the amount of \$6,119.95 for the 2013 61<sup>st</sup> Drive paving and drainage project, MC.***

### **Rescheduling of the August 11, 2014 joint Town Board/Plan Commission meeting**

Hansen noted that he requested this change because of a conflict with the Racine County Board meeting scheduled for the same evening.

***Motion (McMahon, Gruhn) to change the start time of the August 11, 2014 joint Town Board/Plan Commission meeting from 6:00 p.m. to 5:00 p.m., MC.***

### **Reports**

**Code Enforcement Officer's Report:** O'Brien provided his report to the Board. He noted that the municipal court trial involving the property owner at 17806 Spring Street would be heard in Mount Pleasant municipal court, due to a request from the property owner for a judicial substitution. He also noted that he has attempted to contact the property owner at 15318 Kingston Way regarding overgrown vegetation on that property, but added that the contact phone number for the property owner has been disconnected. Hansen requested that O'Brien conduct a site visit at 2118 North Sylvania Avenue to determine if the business there is still in violation of the provisions of its conditional use permit governing vehicle storage.

**Engineer's Report:** Madsen provided his report to the Board. He noted that he conducted a site visit at 15 Fawn Trail at the request of the property owner but could find no issues there. He added that he conducted a site visit at 707 Deer Path and noted that the road and ditch repairs there were complete and he found them to be acceptable. McKinney noted that the invoice for the road repair has already been paid and added that no invoices were issued for the ditch repair.

**Clerk's Report:** McKinney provided his report to the Board. Israel Vargas appeared on behalf of Home Run Heaven, 3400 South Sylvania Avenue. He noted that the recent foreclosure notice for the property was issued as the result of the property's mortgage being up for review and having been dropped by the bank servicing the loan. He discussed several proposed improvements on the site, including replacing the recreational vehicle parking area with a regular parking area and moving the rodeo, dog show and car show events to the vacant space on the west end of the complex to allow for improvements to be made to the softball fields to attract more softball events back to the property. He noted that he has been contacted by individuals interested in either investing in the property or purchasing the vacant space on the west end of the property. The Board discussed the letters sent by the Town's building inspector and the Racine County Public Works and Development Services Department regarding various violations on the Home Run Heaven and Travelers Inn properties. They informed Vargas that until such time as the issues outlined in those letters are resolved and the property is brought up to code, the Board would not be able to consider any changes on the property. McKinney noted that the Racine County Economic Development and Land Use Planning Committee has an item on their next meeting agenda to consider action to revoke the conditional use permit of those two properties, which permits the property owner to operate a motel, campground and softball complex there.

McKinney noted that an outdoor concert will be held on the properties at 14001 and 14015 Washington Avenue on Friday, August 29, 2014. He added that the music there will end at midnight. He noted that the stage will be on the property at 14001 Washington Avenue and alcohol will be sold on the vacant property at 14015 Washington Avenue. He added that the Real Racine property and the vacant parcel south of these properties would be used for overflow parking. He noted that security would be provided at the event and added that Racine County Sheriff's deputies will be present to provide assistance. He added that attendees that are old enough to drink alcohol will be provided with wristbands to help servers identify them. The Board requested more information on this event, including estimated attendance, provision of temporary restroom facilities and what additional controls will be put in place to ensure that underage attendees do not have access to alcohol. The Board discussed whether to require a fenced-in area where alcohol can be served but would not be allowed to leave.

McKinney noted that he spoke to the Wisconsin Towns Association regarding whether a Board or committee member attending a meeting via telephone counts towards that meeting's quorum. He added that the Wisconsin Towns Association recommended that the Board adopt a policy for the Board and all committees specifying whether a telephone participant would count towards the meeting quorum. McMahon requested that an ordinance be drafted to include such a change in the Town's Code of Ordinances. McKinney noted that the Racine County Public Works and Development Services Department conducted a site visit at 2319 Raymond Avenue to follow up on a conditional use permit issued in 2013 for a proposed building addition there. He added that he learned that construction of this addition will commence in August.

McKinney noted that in-office absentee voting began today. He informed the Board that he received an alcohol license application for the property located at 14015 Washington Avenue to replace the existing license held by the property's former owner. He stated that work continues on the new website and added that it should be online within the next week. He noted that the Town's transient merchant and peddler license fee is \$5.00, with no clarification as to what time frame this fee covers. The Board recommended that the fee for this license be \$5.00 for each week, with the first day of each new week treated as a full week for the purposes of charging this fee. The Board also recommended that the \$500.00 surety bond for certain applicants remain in place to insure against any complaints filed by patrons of the transient merchant or peddler.

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

The Board expressed concern over liability issues from the use of a temporary corral fence for rodeo events at the property at 3400 South Sylvania Avenue.

### **Adjournment**

***Motion (McMahon, Gruhn) to adjourn, MC.*** The meeting was adjourned at 7:15 p.m. The next regularly scheduled Town Board meeting is Monday, August 11, 2014, at 5:00 p.m.

Michael McKinney  
*Clerk-Treasurer*