

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, AUGUST 11, 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, Robert Root and Nathan Skewes. Also present were Margaret Gesner representing the Central Racine County Health Department, Chris Gorman representing Racine Grain Company, Raymond Stibeck III representing Route 20 Outhouse, Barbara Olsen, James Fox, Yorkville Stormwater District Chair Steve Nelson, Engineer Mark Madsen, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

### Approval of Minutes

***Motion (McMahon, Gruhn) to approve the July 28, 2014 Town Board meeting minutes as submitted, Motion Carried (MC).***

### Financial Report

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

### Approval of Town Invoices

***Motion (Hansen, Gruhn) to approve payment of Town invoices in the amount of \$32,840.23, MC.***

### Approval of Stormwater Invoices

***Motion (McMahon, Hansen) to approve payment of Stormwater invoices in the amount of \$15.00, MC.***

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

**Consent for Representation by Pruitt, Ekes & Geary, S.C. in the preparation of a Public Health Service Agreement and joint Health Department Ordinances for the Town of Yorkville and the Central Racine County Health Department**

Margaret Gesner appeared on behalf of the Central Racine County Health Department (CRCHD). She noted that this consent agreement allows the Town and the CRCHD to have

a collaborative working relationship in the future, even when Pruitt, Ekes & Geary generally represents both parties.

***Motion (McMahon, Gruhn) to approve the Consent for Representation submitted by Pruitt, Ekes & Geary, S.C., for the preparation of a Public Health Service Agreement and joint Health Department Ordinances for the Town of Yorkville and the Central Racine County Health Department as submitted, MC.***

### **Public Health Service Agreement between the Town of Yorkville and the Central Racine County Board of Health**

Gesner noted that this agreement is standard for all municipalities that receive public health services from the Central Racine County Board of Health. She added that this is only an agreement to contract with the CRCHD for public health services. She noted that each municipality is billed on a per capita basis and added that additional charges will only be assessed when certain services are provided, such as isolation of a patient or flu vaccinations. She added that contracting municipalities could petition for full membership in the CRCHD at any time. She noted that the Central Racine County Board of Health's meetings are open to the public. Hansen noted that the Town is required by state law to provide such services to residents.

***Motion (Gruhn, McMahon) to approve the Public Health Service Agreement between the Town of Yorkville and the Central Racine County Board of Health as submitted, MC.***

### **Ordinance 08-2014 Repealing and recreating Chapter 2, Article IV, Division 2 of the Town of Yorkville Code of Ordinances relating to the Health Department**

Gesner noted that the composition of the Central Racine County Board of Health will not change in 2015.

***Motion (McMahon, Gruhn) to approve Ordinance 08-2014 as submitted, MC.***

### **Application for site plan review by Racine Grain Company, Inc. for the property located at 1313 South Colony Avenue (Parcel ID #'s 018-03-21-20-011-010 and 018-03-21-20-013-000) to permit construction of a new 400,000-bushel grain storage bin immediately to the north of the northernmost grain storage bin on the property**

Chris Gorman appeared on behalf of Racine Grain Company regarding this application. He noted that Racine Grain plans to construct a new 400,000-bushel grain storage bin immediately to the north of the northernmost grain storage bin on the property. He added that there are 28 or 29 grain storage bins currently on the property. He noted that the DeLong Company out of Janesville has made an offer to purchase the property, the sale of which will close in September. Barbara Olsen commented on the need to reduce the speed limit in front of that property, noting that there have been incidents between vehicles and semi-trucks entering and exiting the property. She added that upcoming roadwork on USH 45 would widen the road there.

***Motion (Fink, Nelson) to request that the Town of Yorkville write a letter to the Wisconsin Department of Transportation requesting that the speed limit on USH 45***

***(South Colony Avenue) from 1529 South Colony Avenue north to the intersection of South Colony Avenue and Church Road be reduced from 55 miles per hour to 45 miles per hour, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to request that the Town of Yorkville write a letter to the Wisconsin Department of Transportation requesting that the speed limit on USH 45 (South Colony Avenue) from 1529 South Colony Avenue north to the intersection of South Colony Avenue and Church Road be reduced from 55 miles per hour to 45 miles per hour, MC.***

***Motion (Fink, Root) to approve the site plan application submitted by Racine Grain Company, Inc. for the property located at 1313 South Colony Avenue (Parcel ID #'s 018-03-21-20-011-010 and 018-03-21-20-013-000) to permit construction of a new 400,000-bushel grain storage bin immediately to the north of the northernmost grain storage bin on the property, with no conditions, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the site plan application submitted by Racine Grain Company, Inc. for the property located at 1313 South Colony Avenue (Parcel ID #'s 018-03-21-20-011-010 and 018-03-21-20-013-000) to permit construction of a new 400,000-bushel grain storage bin immediately to the north of the northernmost grain storage bin on the property, with no conditions, MC.***

**Application for occupancy review by K11 Investments, LLC (with Marathon Restoration as applicant) for the property located at 2332 North Sylvania Avenue (Parcel ID # 018-03-21-01-016-000) for a business specializing in the restoration of fire, water and mold damage and biohazard contamination**

McKinney noted that this occupancy request was for a business that plans to occupy 5,000 square feet of space in the rear of the existing building at this address with a business specializing in restoration of fire, water and mold damage and biohazard contamination. He added that this business will house restoration equipment within this facility and plans to store 6 trailers outside. He noted that this business employs 6 full-time employees and approximately 10 part-time employees working on an on-call basis. He added that this business does not have standard business hours but operates on a 24-7, on-call basis. He noted that this business will only permit disposal of normal refuse and damaged carpet, padding, furniture and wood on the property within a 20-yard dumpster currently maintained on-site and added that all other materials and all biohazard materials will not be stored or permitted on-site. The Town Board and Plan Commission discussed the storage and disposal of waste materials on the site, noting that no such materials should be permitted on the property for any reason, including any biohazard materials, given their contaminated and damaged nature.

***Motion (Fink, Geschke) to approve the occupancy application submitted by K11 Investments, LLC (with Marathon Restoration as applicant) for the property located at 2332 North Sylvania Avenue (Parcel ID # 018-03-21-01-016-000) for a business specializing in the restoration of fire, water and mold damage and biohazard contamination, with the condition that no refuse or damaged material from any restoration or work site be permitted on this property for disposal or for any other***

***purpose but to permit Marathon Restoration to bring furniture, fixtures or other items back to this facility that can be restored, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the occupancy application submitted by K11 Investments, LLC (with Marathon Restoration as applicant) for the property located at 2332 North Sylvania Avenue (Parcel ID # 018-03-21-01-016-000) for a business specializing in the restoration of fire, water and mold damage and biohazard contamination, with the condition that no refuse or damaged material from any restoration or work site be permitted on this property for disposal or for any other purpose but to permit Marathon Restoration to bring furniture, fixtures or other items back to this facility that can be restored, MC.***

### **Issues related to the Rock 'n' Roll Luau Concert scheduled for Friday, August 29, 2014 at Route 20 Outhouse, 14001 Washington Avenue**

Raymond Stibeck III appeared on behalf of Route 20 Outhouse regarding this event. He noted that the event would run from 5:00 p.m. to 12:00 a.m. on August 29, adding that the music will end between 11:30 p.m. and 11:45 p.m. He stated that he expects 1,000 to 1,500 spectators to attend this event, who will gather in the area south of the Route 20 Outhouse property. He added that he notified all neighbors that this event was taking place. He stated that he plans to barricade the access driveway behind his property that provides access to South Sylvania Avenue. He noted that he would have two Racine County Sheriff's deputies providing on-site assistance with traffic control during the entire event. He added that a total of 30 security personnel from a private security agency will be working on-site during the event, which includes 5 armed off-duty police officers. He noted that three security personnel will be working at each exit, while two all-terrain vehicles will conduct patrols on neighboring properties and South Sylvania Avenue. He stated that the parking areas on site provide parking for 1,000 vehicles. He added that he plans to have 12 parking attendants working during the event. He noted that a construction trailer on-site will be used as a temporary medical care facility, which will be staffed by two CPR-certified firefighters.

Stibeck noted that only those attendees of drinking age will be issued armbands, adding that only those attendees will be allowed in the area where alcohol is sold and consumed. He added that this area is also located south of the Route 20 Outhouse property and will be separated from the rest of the spectator area by a snow fence that will be patrolled by security to ensure that underage attendees do not have access to alcohol. He noted that one temporary handicap-accessible restroom facility will be provided at each point of entry. He stated that several vendors will be selling goods on-site, such as tobacco and shirts. He added that vendors will not be allowed to sell alcohol or food. He noted that several performers will be performing on one stage during the event, which is located at the south end of the Route 20 Outhouse property and faces south. He added that tickets will be available either in advance or at the gate. He noted that blocks of rooms are being held at several local hotels, adding that a shuttle service will be provided to those staying at those hotels. He stated that the large parking area between Route 20 Outhouse and the Travelodge Hotel will only have one entrance/exit, adding that the remainder of the parking area will be roped off to restrict access to and from South Sylvania Avenue. He noted that this roping should prevent any damage to the fire hydrants in that area, adding that there is also a tree line preventing access to the golf course property to the west. He added that

parking would also be allowed in the parking lot at 14015 Washington Avenue. The Town Board did not have any further questions or concerns about this event being held.

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

**Application for a Class B Combination Beer and Liquor License for the period of July 1, 2014 to June 30, 2015 by GZK Enterprise LLC Outback Tiki for Outback Tiki, located at 14015 Washington Avenue (Parcel ID # 018-03-21-13-014-020) (Agent: Raymond J. Stibeck III)**

***Motion (Hansen, McMahon) to grant a Class B Combination Beer and Liquor License to GZK Enterprise LLC Outback Tiki dba Outback Tiki for the period of July 1, 2014 to June 30, 2015 for the property located at 14015 Washington Avenue (Parcel ID # 018-03-21-13-014-020) (Agent: Raymond J. Stibeck III), MC.***

**Application for a Cigarette License for the period of July 1, 2014 to June 30, 2015 by 4700 Avenue, LLC (Trade or Business Name: Ayra's Liquor and Cigar) for the property located at 14001 Washington Avenue**

***Motion (Hansen, McMahon) to grant a Cigarette License to 4700 Avenue, LLC dba Ayra's Liquor and Cigar for the period of July 1, 2014 to June 30, 2015 for the property located at 14001 Washington Avenue, MC.***

**Water-related issues at Route 20 Outhouse, 14001 Washington Avenue**

Stibeck noted that he has experienced water discoloration issues since he assumed ownership of the property and added that the occupant at 14015 Washington Avenue has also reported similar problems in their building recently. He added that he has had the sprinkler system checked for cross connections, noting that none have been found. He noted that his water supply is not filtered or softened and added that he feels that any such treatment would only mask the problems he is experiencing. He stated that he has supplied water samples to the Water Utility Manager. He noted that he is appearing before the Board because he feels that the Water Utility is doing nothing to resolve this issue. Hansen noted that this item will appear on the Water Utility Commission's next meeting agenda for their consideration. He added that the Water Utility Manager is still conducting water testing. He stated that the Water Utility Commission should consider issuing a credit for water usage at this property given the extra water used to try to identify the issue with the water service.

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

**Pre-application conference with Don Christensen regarding division of the property located on either side of and behind 18501 Two Mile Road (Parcel ID# 018-03-21-05-020-030)**

Hansen noted that Christensen wishes to purchase the subject parcel and split it into two via certified survey map. He added that the parcel does not meet the Town's minimum width or maximum depth requirements for dividing via certified survey map. Madsen noted that his firm worked on the subdivision of this parcel's parent parcel and added that the Town's requirement for road frontage for parcels at the time was 150 feet rather than the current 300 feet. He added that the applicant could apply for waivers of both the width and depth

requirements based upon the rationale that the parcel was created under less restrictive certified survey map rules than those that currently exist. Hansen noted that Christensen only wanted one driveway on the property and was not willing to pay to have 65<sup>th</sup> Court extended to the property from the east to help create lots that could meet the existing certified survey map standards.

***Motion (Nelson, Geschke) to oppose the request by Don Christensen for subdivision by certified survey map of the property located on either side of and behind 18501 Two Mile Road (Parcel ID# 018-03-21-05-020-030), MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to oppose the request by Don Christensen for subdivision by certified survey map of the property located on either side of and behind 18501 Two Mile Road (Parcel ID# 018-03-21-05-020-030), MC.***

**Request for waiver of the pond permit application requirement by Inland Dredge Company, Inc. to permit maintenance of a pond on the Charles and Sue Kuiper property located at 1801 55<sup>th</sup> Drive (Parcel ID# 018-03-21-23-007-020)**

McKinney noted that Inland Dredge Company planned to remove about six inches of sediment and debris from the bottom of this pond after crops are harvested. He added that this sediment and debris would be deposited on and tilled into a nearby farm field. He noted that the Town's ordinances require a pond permit for any pond dredging but added that the ordinances also permit the Town Board to grant a waiver of the application requirement if the work to be completed is minor in nature.

***Motion (Geschke, Root) to waive the pond permit application requirement for the proposal from Inland Dredge Company, Inc. to perform maintenance of a pond on the Charles and Sue Kuiper property, located at 1801 55<sup>th</sup> Drive (Parcel ID# 018-03-21-23-007-020), MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to waive the pond permit application requirement for the proposal from Inland Dredge Company, Inc. to perform maintenance of a pond on the Charles and Sue Kuiper property, located at 1801 55<sup>th</sup> Drive (Parcel ID# 018-03-21-23-007-020), MC.***

**Request by Brenda Maddox for installation of "Caution Children" signage at 1101 55<sup>th</sup> Drive**

McKinney noted that Maddox requested signs on 55<sup>th</sup> Drive northbound at CTH C and southbound at CTH A because of speeding issues. The Board discussed the request and determined that such action was unnecessary due to the rural nature of the road and the precedent that would be created if the Board approved placing the signs along the road. The Board also discussed whether Maddox could pay for and install the signs herself but agreed that allowing this would make the town responsible for repairing or maintaining the signage in the future.

***Motion (McMahon, Hansen) to deny the request by Brenda Maddox for installation of "Caution Children" signage along 55<sup>th</sup> Drive between CTH A and CTH C, MC.***

## **Request from Altamount Development for a refund of the \$4,589.66 in interest earned on the cash deposit held by the Town of Yorkville for completion of the final course of asphalt in the Woodland Waters Subdivision**

McKinney noted that Ray Leffler from Altamount Development submitted a request to him for a refund in the amount of \$4,589.66 for interest earned on the cash deposit held by the Town for completion of the final course of asphalt in the Woodland Waters Subdivision. He added that the Town's attorney recommended that the Town release this balance to Altamount. He noted that Altamount also currently maintains an escrow account for the payment of any legal and engineering expenses related to the Woodland Waters Subdivision and added that this escrow account currently has a balance of \$125.00. He added that the Town's attorney estimated that his work on the upcoming Woodland Waters Subdivision stewardship plan will result in \$1,500 in legal fees and noted that the Town's attorney recommended that the Town withhold the funds requested by Leffler until such time as the Woodland Waters escrow account is returned to a balance of \$1,500.00.

***Motion (Hansen, McMahon) to issue a refund to Altamount Development in the amount of \$4,589.66 for interest earned on the cash deposit held by the Town of Yorkville for completion of the final course of asphalt in the Woodland Waters Subdivision, with the condition that those funds be withheld until such time as the Woodland Waters Subdivision escrow account be returned to a balance of \$1,500.00, MC.***

At this point, Town Board Chair Hansen left the meeting. Supervisor Gruhn assumed the responsibilities of Town Board Chair for the remainder of the meeting.

## **Reports**

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

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

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

**Clerk's Report:** McKinney provided his report to the Board. He noted that the Racine County Economic Development and Land Use Planning Committee has scheduled a public hearing to consider revocation of the conditional use permit of the properties located at 14017 Durand Avenue and 3400 South Sylvania Avenue, which permits the property owner to operate a motel, campground and baseball complex there. He stated that he received an email from a resident regarding the Town's recently updated fireworks ordinances, adding that the resident took issue with the new insurance requirements that are now part of the application process. He noted that the resident felt that the new insurance standards are too difficult to meet. The Board recommended that they review the ordinance to determine whether this requirement should be changed. McKinney noted that the Town currently has seven outstanding personal property tax balances from the 2013 tax season. He added that the Town can charge two of those past due balances back to the other local taxing jurisdictions, as those two accounts no longer appear on the personal property tax roll. He noted that he is currently investigating whether those outstanding balances can be collected through a state tax intercept program or if they must be collected through the small claims process. McMahon discussed his desire to see legislation enacted that addresses the difficulty in collecting those past due balances.

McKinney reported that he is scheduled to appear at the Racine County Courthouse on August 21 for a small claims case involving a resident in the mobile home park with unpaid mobile home parking fees. He noted that the Racine County Sheriff would be willing to allow the Town to use the County's speed trailer at no charge to conduct a speed study and traffic count but added that the data from the trailer may not be accurate. He added that the Town needs to determine how many samples must be collected and how much data must be collected in each sample for any data to be considered valid. He provided an update on the drainage and right-of-way work near the driveway at 4712 69<sup>th</sup> Drive. He noted that the property owner responsible for the work in that area has retained the services of a wetland delineation specialist to help identify where wetlands are on his property. He stated that the Board has until August 15 to select a participant for the Leadership Union Grove program. He noted that Fall Partisan Primary Election is tomorrow. He added that he received a letter from the Racine County Public Works and Development Services Department regarding zoning violations found at the property at 15230 Ives Grove Road related to a chicken coop and commercial horse boarding. He noted that he received a phone call regarding a request to potentially replace three cellular antennae and add three cellular antennae to a silo on the property at 3720 South Sylvania Avenue in 2015. He added that he instructed the caller to contact the Racine County Public Works and Development Services Department to determine if any permits were required.

**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 added that the property owners at 17806 Spring Street and 1932 51st Drive are scheduled to appear in municipal court for trial in September. He noted that the property owner at 1131 55th Drive is in the process of trimming the overgrown vegetation on his property. He added that he did issue a citation to this property owner for the abandoned vehicles that are kept on the property.

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

Nelson discussed the recent presentation provided by the Southeastern Wisconsin Invasive Species Consortium regarding invasive vegetation growing in Town rights-of-way. He asked what responsibility the Town should have in controlling the growth of invasive vegetation on Town rights-of-way and adjoining properties. Steve Nelson noted that a large patch of Wild Parsnip was sprayed on the railroad right-of-way as part of the vegetation control project on the East Branch of the Root River Canal. The Board discussed whether the Town could require the railroad to control the spread of invasive vegetation on their right-of-way. The Board also discussed the overgrown vegetation in road rights-of-way under Racine County's jurisdiction and requested that Hansen contact Racine County to request that they control the growth of vegetation in their rights-of-way.

### **Adjournment**

***Motion (McMahon, Nelson) to adjourn, MC.*** The meeting was adjourned at 6:33 p.m. The next regularly scheduled Town Board meeting is Monday, August 25, 2014, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*