

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, MARCH 9, 2015**

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 Jenna Kuchler, Nicholas Kuchler, Andrew Baer, Dan Henry, Julie Rihn, James Fox, Bradley Kemen, Richard Polum, Valerie Breneman, Mary Filler, Ray Stibeck, Racine County Sheriff's Department Lieutenant Daniel Adams, Brandon Bledsoe, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Elaine Ekes, Code Enforcement Officer Terrence O'Brien, Clerk-Treasurer Michael McKinney and approximately five other attendees.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the February 23, 2015 Town Board meeting minutes as submitted, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve payment of Town invoices in the amount of \$109,603.37, MC.

Approval of Stormwater Invoices

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices in the amount of \$38,434.21, MC.

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

Request submitted by Whitley Farms, Inc. (with Nicholas and Jenna Kuchler as subdividers) for certified survey map approval for the property located at 4209 57th Drive (Parcel ID # 018-03-21-34-003-000) in the A-2 (General Farming and Residential II) Zoning District

Jenna Kuchler appeared before the Town Board and Plan Commission to discuss this application. She noted that this certified survey map would create a 3-acre residential home site. Madsen noted that no floodplains or wetlands are located on this proposed parcel and added that the final version of the certified survey map includes soil borings taken after the initial draft of the map was submitted to the Town.

Motion (Fink, Geschke) to recommend approval of the request submitted by Whitley Farms, Inc. (with Nicholas and Jenna Kuchler as subdividers) for certified survey map approval for the property located at 4209 57th Drive (Parcel ID # 018-03-21-34-003-000) in the A-2 (General Farming and Residential II) Zoning District, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Whitley Farms, Inc. (with Nicholas and Jenna Kuchler as subdividers) for certified survey map approval for the property located at 4209 57th Drive (Parcel ID # 018-03-21-34-003-000) in the A-2 (General Farming and Residential II) Zoning District, with no conditions, MC.

Request submitted by Andrew Baer (with Andrew Hagen as agent) for site plan approval for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to permit construction of two new self-storage mini-warehouse buildings to the north/west of the existing storage buildings on the west side of the site

Andrew Baer appeared before the Town Board and Plan Commission to discuss this application. He provided the following information on the application:

- Proposed activity would be construction of two new self-storage mini-warehouse buildings to the north/west of the existing storage buildings on the west side of the site
- Both buildings would be tan in color
- Both buildings would have the same elevation as the existing buildings on the site
- Both buildings would have an east-west orientation
- The units within the new buildings would be 10 feet by 20 feet (200 square feet), 10 feet by 10 feet (100 square feet) and 5 feet by 10 feet (50 square feet)
- The north building would be 30 feet by 120 feet (3,600 square feet)
- The south building would be 40 feet by 120 feet (4,800 square feet)
- Both buildings would be 11 feet in height
- Construction should be completed by October 2015
- Business hours are Monday through Friday from 8:00 a.m. to 5:00 p.m.

Madsen noted that he has attempted to determine whether the Town approved any restrictions in the past as to how many buildings could be constructed on the property before the property owner was required to expand the on-site stormwater retention pond, adding that he was not able to find any information on this issue. He stated that the proposed location of these two buildings is on an abandoned graveled outdoor storage area that is already impervious, which would not increase stormwater runoff on the site.

Motion (Geschke, Root) to recommend approval of the request submitted by Andrew Baer (with Andrew Hagen as agent) for site plan approval for the property located at

19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to permit construction of two new self-storage mini-warehouse buildings to the north/west of the existing storage buildings on the west side of the site, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Andrew Baer (with Andrew Hagen as agent) for site plan approval for the property located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to permit construction of two new self-storage mini-warehouse buildings to the north/west of the existing storage buildings on the west side of the site, with no conditions, MC.

Public Hearing – The Town Board and Plan Commission held a joint public hearing to hear public comment on a request submitted by Rudolph Saunders and Dan Henry for conditional use approval for the property located at 19411 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-000) in the A-2 (General Farming and Residential II) Zoning District to permit parking for one semi-tractor/trailer combination and one backhoe within a proposed 40 foot by 80 foot (3,200 square feet) pole building they want to construct near the southwest corner of the property

Hansen opened the public hearing at 6:08 p.m.

Dan Henry appeared before the Town Board and Plan Commission to discuss this application. He provided the following information on the application:

- Proposed activity would be parking for one over-the-road semi-tractor/trailer combination and one backhoe within a proposed 40 foot by 80 foot (3,200 square feet) pole building to be constructed near the southwest corner of the property
- Access to the property will be by way of the existing Washington Avenue entrance driveway
- The semi-tractor/trailer combination will use a turnaround on the property to the north of the proposed pole building to avoid backing out onto or in from the roadway
- The turnaround area will be screened on the east side by evergreen trees
- No hauled materials will be stored on-site
- No vehicle service or repairs will be done on-site
- No vehicle fuel, engine oil or other lubricants will be stored on-site
- One light will be placed on the proposed pole building

James Fox spoke in favor of the application and asked whether the Board would pursue enforcement action against the applicant if the semi-tractor/trailer combination were occasionally parked outside overnight.

With no other comments forthcoming, Hansen closed the public hearing at 6:12 p.m.

Request submitted by Rudolph Saunders and Dan Henry for conditional use approval for the property located at 19411 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-000) in the A-2 (General Farming and Residential II) Zoning District to permit parking for one semi-tractor/trailer combination and one backhoe within a proposed 40 foot by 80 foot (3,200 square feet) pole building they want to construct near the southwest corner of the property

Motion (Nelson, Fink) to recommend approval of the request submitted by Rudolph Saunders and Dan Henry for conditional use approval for the property located at 19411 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-000) in the A-2 (General Farming and Residential II) Zoning District to permit parking for one semi-tractor/trailer combination and one backhoe within a proposed 40 foot by 80 foot (3,200 square feet) pole building they want to construct near the southwest corner of the property, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Rudolph Saunders and Dan Henry for conditional use approval for the property located at 19411 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-000) in the A-2 (General Farming and Residential II) Zoning District to permit parking for one semi-tractor/trailer combination and one backhoe within a proposed 40 foot by 80 foot (3,200 square feet) pole building they want to construct near the southwest corner of the property, with no conditions, MC.

Status of the 2014-2015 Annual Combination Class B Alcohol License issued to Julie Rihn for 904 South Sylvania Avenue

Julie Rihn appeared before the Board to discuss this agenda item. She noted that she holds a Combination Class B alcohol license, which was granted to her for use at the Captain's Cove Seafood Bar and Grill at 904 South Sylvania Avenue. She added that her lease for that location ended in January and stated that she has considered opening a new business and has identified two potential locations for the business at 3323 South Sylvania Avenue or 1818 South Colony Avenue. She noted that she would plan to apply for a transfer of her current alcohol licenses to the location of her new business. Ekes discussed the Town's ordinances regarding revocation of an unused alcohol license, noting that the Town could initiate revocation proceedings if the business holding the alcohol license in question has ceased operations for at least 90 days. She added that the Town could delay revocation proceedings to give the licensee an opportunity to find a new location to relocate to. The Board chose to take no action at this time to provide an opportunity to Rihn to find a new location to establish a new business.

Motion (McMahon, Gruhn) to table consideration of this agenda item, MC.

Discussion Regarding Parameters of Sex Offender Ordinance and Notification Process

Several Town residents addressed the Board regarding a sex offender that was recently placed in the Town. Discussion focused on several additional issues, including the existing Town restrictions on sex offender placement, whether snowmobile trails are considered recreational trails and should be included on the sex offender residency restriction map as places near which sex offenders cannot relocate, whether the Cub Scout facility located at South Colony Avenue (USH 45) and County Line Road (CTH KR) should be included on the sex offender residency restriction map as a place near which sex offenders cannot relocate, and why residents are not notified when offenders are placed in the community.

Ekes discussed the process involved when the Town originally adopted its sex offender ordinances in 2011. She noted that the sex offender residency restriction map adopted at that time only included permanent and fixed locations rather than locations that could shift over time. She added that the Board discussed snowmobile trails when the ordinance was first adopted, noting that the Board opted to exclude them from the sex offender residency

restriction map. She questioned whether snowmobile trails have some legal documentation that makes their location permanent, such as an easement. She noted that the Board could deem snowmobile trails as recreational trails and restrict sex offender residency near them.

O'Brien stated that the Wisconsin Department of Corrections is responsible for placing sex offenders. Ekes noted that any reporting restrictions placed on sex offenders are handled by the Wisconsin Department of Corrections. She added that offenders could not be required to relocate if residency restriction ordinances are updated after the offender takes up residence at the location in question. She noted that the Town should work with the Racine County Sheriff's Department to ensure that all offenders living in the Town are appropriately placed. She added that the Town should consider updating their ordinances to include new restricted areas. She noted that the Town is not obligated to provide notifications when a sex offender is placed in the community and recommended that the Town maintain its current practice of not notifying residents when a sex offender is placed in the community, given the liability involved if incorrect information is provided.

Racine County Sheriff's Department Lieutenant Daniel Adams addressed the Board regarding this issue. He noted that the Racine County Sheriff's Department is generally notified by the Wisconsin Department of Corrections when sex offenders are placed in the community, adding that the public is notified when the offender is a violent or repeat offender. He stated that offenders are classified into three different levels, adding that community notifications are not provided for the lowest level of offender. He noted that the Racine County Sheriff's Department would be willing to notify the Town of all offenders placed in the community. Hansen stated that the Town could check to ensure that all appropriate community facilities are included on the sex offender residency restriction map and that the residency and loitering restriction measurements on the map are correct. He stated that the Town should work with the Village of Union Grove on this issue. He added that this agenda item should be on the next joint Town Board/Plan Commission meeting agenda on Monday, April 13, 2015.

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

Bids for the 2015 Reconstruction of 69th Drive from Durand Avenue (STH 11) to County Line Road (CTH KR) and 59th Drive from Spring Street (CTH C) to 58th Road

Madsen noted that the low bids for both projects were submitted by Payne and Dolan, adding that their bid for the reconstruction of 59th Drive from Spring Street (CTH C) to 58th Road was \$167,124.51, while their bid for the reconstruction of 69th Drive from Durand Avenue (STH 11) to County Line Road (CTH KR) was \$175,600.25. He stated that his estimate of the Town's share of the 69th Drive project was \$129,243.66, adding that the Village of Union Grove would be responsible for the remaining project cost. Hansen noted that the Village of Union Grove would consider this bid at their Water, Wastewater, Storm Water, Streets and Parks Commission meeting on Monday, March 16, 2015.

Motion (McMahon, Gruhn) to approve the bid submitted by Payne and Dolan in the amount of \$167,124.51 for the reconstruction of 59th Drive from Spring Street (CTH C) to 58th Road and the Town's share of the bid submitted by Payne and Dolan in the amount of \$129,243.66 for the reconstruction of 69th Drive from Durand Avenue (STH 11) to County Line Road (CTH KR), with approval of the bid for 69th Drive contingent upon Village of Union Grove approval of their share of that bid, MC.

Project Plan Preparation for Rehabilitation of the 58th Road Bridge over the East Branch of the Root River Canal

Hansen noted that he and McKinney were waiting for confirmation from the Racine County Public Works Department that the funds set aside for the Town in 2014 for this project were still available.

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

Resolution 2015-02 Opposing the Proposed State Budget Shift of Local Property Assessment to Countywide Property Assessment

McKinney noted that this resolution opposes the proposed state budget shift of local property assessment to countywide property assessment.

Motion (McMahon, Gruhn) to approve Resolution 2015-02 as submitted, MC.

Resolution 2015-03 Amending the Town of Yorkville's 2014 General Fund, Sewer Utility Fund and Water Utility Fund Annual Budgets

McKinney noted that this resolution makes final adjustments to the 2014 General Fund, Sewer Utility Fund and Water Utility Fund annual budgets.

Motion (Gruhn, McMahon) to approve Resolution 2015-03 as submitted, MC.

Racine County Board of Drainage Commissioners Agreement

Stephen Nelson noted that the Yorkville Stormwater Utility District Commission approved this agreement on Thursday evening, adding that it increases the annual payment to the Racine County Board of Drainage Commissioners from \$8,000.00 to \$20,000.00 over the next three years. Gruhn noted that the funds covering this increase would come from the budgeted funds set aside for prepayment of future debt service due on the East Branch of the Root River Canal obstruction clearing project. Nelson noted that the Town could review this contract again in three years.

Motion (McMahon, Gruhn) to approve the Racine County Board of Drainage Commissioners Agreement as submitted, MC.

Reports

Code Enforcement Officer's Report: O'Brien reported to the Board on the following:

- That he posted a notice on the front door of the home at 803 Log Cabin Drive regarding various property maintenance issues there but has not been contacted by the property owner about the notice. McKinney noted that the property owner has replaced the dilapidated garage door and is getting quotes to reroof the home.
- That a plea agreement was entered into between the Town and the property owner at 17806 Spring Street regarding citations issued for the rubbish stored on that property. He noted that the property owner would be assessed a fine of \$4,000.00 if the site was not cleaned up to the Town's satisfaction by July 1, 2015, adding that the property owner would only be assessed a fine of \$1,000.00 if the site was cleaned to the Town's

satisfaction by that date.

- That a plea agreement has been entered into and sentencing delayed between the Town and the property owner at 1932 51st Drive regarding citations issued for boats stored on that property. He noted that some of the boats were removed but added that approximately 14 boats remain on the property.

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

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

Engineer's Report: Madsen requested that McKinney or Hansen notify him if Racine County Bridge Aids are still available for the proposed replacement of the 58th Road bridge.

Yorkville Stormwater Utility District Report: Stephen Nelson noted that he had no information to report to the Board.

Clerk's Report: McKinney reported to the Board on the following:

- That the Union Grove Cemetery Association plans to meet in the Town Board Room in February 2016
- That three appointments to both the Town's Plan Commission and Stormwater Utility District Commission expire on May 1, 2015
- That the Town's Annual Elector Meeting is scheduled for 7:00 p.m. on Tuesday, April 21, 2015 in the Town Board Room
- That the Central Racine County Health Department (CRCHD) asked whether the Town would be interested in having someone come out from CRCHD to provide influenza vaccinations to Town employees and elected officials in the fall at a cost of \$25.00 per person. The Board asked McKinney to contact the CRCHD to let them know that the Town did not wish to participate in this program.
- That he assembled a list of all permits and licenses issued by the Town. He noted that this list includes the application procedures, deadlines and fees required for each permit or license. He requested that the Town Board and Plan Commission review this list and suggest any changes to be made to it before their next joint meeting on April 13, 2015.

Other – Comments, questions and suggestions

McMahon asked whether the Town has received any updates on the proposal to convert the existing railroad tracks between Sturtevant and Kansasville into a recreational trail. McKinney noted that he has not heard anything regarding this proposal since the Town was first contacted about this in 2013.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:50 p.m. The next scheduled Town Board meeting is Monday, March 23, 2015, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer