

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, MAY 11, 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 John Anderson representing Dreamscape Lawn Care, Stormwater District Commission Chair Stephen Nelson, Attorney Tim Pruitt, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the April 27, 2015 Town Board meeting minutes as submitted, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

Motion (Gruhn, McMahon) to approve payment of Town invoices in the amount of \$35,217.27, MC.

Approval of Stormwater Invoices

Motion (McMahon, Gruhn) to approve payment of Stormwater invoices in the amount of \$2,835.06, MC.

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

Request submitted by James Malkowski (with John Anderson as applicant) for occupancy approval for the property located at 2334 North Sylvania Avenue (Parcel ID # 018-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of the existing facility at this address with a landscaping and snow removal business called “Dreamscape Lawn Care”

John Anderson appeared before the Board and Plan Commission to discuss this application. He provided the following information on the application:

- Proposed activity would be relocation of his existing landscaping and snow removal business from 1315 55th Drive to this location, which is currently occupied by a landscaping business
- Eventual relocation of all equipment and materials stored at the 55th Drive location to this location
- No change in the number of employees or hours of operation from that of the current location on 55th Drive
- Eventual demolition of the existing house and garage on the site and construction of a new 4,000 square-foot pole barn on the site

Motion (Fink, Nelson) to recommend approval of the request submitted by James Malkowski (with John Anderson as applicant) for occupancy approval for the property located at 2334 North Sylvania Avenue (Parcel ID # 018-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of the existing facility at this address with a landscaping and snow removal business called Dreamscape Lawn Care, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by James Malkowski (with John Anderson as applicant) for occupancy approval for the property located at 2334 North Sylvania Avenue (Parcel ID # 018-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to permit occupancy of the existing facility at this address with a landscaping and snow removal business called Dreamscape Lawn Care, with no conditions, MC.

Request submitted by Sam D'Alie for shoreland contract approval for the property located at 20512 Church Road (Parcel ID # 018-03-21-18-008-001) in the A-2 (General Farming and Residential) Zoning District to permit construction of a single family residence with an attached garage, full basement and open covered entry within 500 feet of an unnamed pond

Motion (Hansen, Fink) to recommend approval of the request submitted by Sam D'Alie for shoreland contract approval for the property located at 20512 Church Road (Parcel ID # 018-03-21-18-008-001) in the A-2 (General Farming and Residential) Zoning District to permit construction of a single family residence with an attached garage, full basement and open covered entry within 500 feet of an unnamed pond, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Sam D'Alie for shoreland contract approval for the property located at 20512 Church Road (Parcel ID # 018-03-21-18-008-001) in the A-2 (General Farming and Residential) Zoning District to permit construction of a single family residence with an attached garage, full basement and open covered entry within 500 feet of an unnamed pond, with no conditions, MC.

Request submitted by Ronnie and Tiffany Janzen (with Joseph Scott Homes as agent) for shoreland contract approval for the property located at 18308 Spring Street (CTH C) (Parcel ID # 018-03-21-20-001-060) in the A-2 (General Farming and Residential) Zoning District to permit construction of a single family residence with an attached garage, full basement, open covered entry and a second floor deck within 300 feet of an unnamed stream

Hansen noted that several elevations on the site plan submitted with this application were incorrect. He requested that McKinney contact the Racine County Development Services Department to make them aware of this issue.

Motion (Fink, Geschke) to recommend approval of the request submitted by Ronnie and Tiffany Janzen (with Joseph Scott Homes as agent) for shoreland contract approval for the property located at 18308 Spring Street (CTH C) (Parcel ID # 018-03-21-20-001-060) in the A-2 (General Farming and Residential) Zoning District to permit construction of a single family residence with an attached garage, full basement, open covered entry and a second floor deck within 300 feet of an unnamed stream, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Ronnie and Tiffany Janzen (with Joseph Scott Homes as agent) for shoreland contract approval for the property located at 18308 Spring Street (CTH C) (Parcel ID # 018-03-21-20-001-060) in the A-2 (General Farming and Residential) Zoning District to permit construction of a single family residence with an attached garage, full basement, open covered entry and a second floor deck within 300 feet of an unnamed stream, with no conditions, MC.

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

McKinney noted that this application covers rodeos, dog shows and music festivals. The Board and Plan Commission discussed possible conditions for the new permit, including those attached to last year's permit less the conditions addressing the holding tank on the property. They also discussed a condition requiring that adequate security be on-site for each event.

Motion (Nelson, Fink) to recommend granting the annual Special Event Permit to Israel Vargas for Homerun Heaven, 3400 South Sylvania Avenue, with the following conditions: that a maximum of 12 of these events – rodeos, dog shows and/or music festivals – be allowed in the permit year expiring on May 12, 2016; 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 provide a current Certificate of Liability Insurance to the Town of Yorkville for the Homerun Heaven property; that the applicant have sufficient numbers of security personnel on-site during every event held on the Homerun Heaven property, MC.

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

Ordinance 2015-02 To Amend Article III entitled Sex Offender Restrictions within Chapter 30 - Miscellaneous Offenses of the Town of Yorkville Code of Ordinances

Pruitt noted that this ordinance would codify the changes discussed at prior Board meetings regarding sex offender restrictions.

Motion (Gruhn, Nelson) to recommend approval of Ordinance 2015-02 as submitted, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve Ordinance 2015-02 as submitted, MC.

Resolution 2015-05 Adopting a map showing the Protected Locations and Child Safety Zones for the Sex Offender Residency Restrictions under Sections 30-130 through 30-134 of the Code of Ordinances for the Town of Yorkville and addressing enforcement of such sections

Pruitt noted that the only update to this map from prior meetings was that the property located at 1805 15th Avenue (STH 11) was removed as a protected location, as there are no events held on the property that cater to minors.

Motion (Nelson, Root) to recommend approval of Resolution 2015-05 as submitted, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve Resolution 2015-05 as submitted, MC.

Letter regarding drainage in the 15700 block of Durand Avenue (STH 11)

Pruitt provided a summary of state law related to this issue. He noted that this issue is essentially a nuisance dispute between individual landowners until such time as a waterway, or potentially a drainage tile, is obstructed. The Board and Plan Commission discussed a draft letter that made local residents aware of the drainage issues in the area and asked them whether they would be willing to meet with the Town to determine the cause of these issues and what could be done to resolve them.

Motion (Nelson, Fink) to recommend that the Town send the letter regarding drainage to residents in the 15700 block of Durand Avenue (STH 11) as drafted, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to send the letter regarding drainage to residents in the 15700 block of Durand Avenue (STH 11) as drafted, MC.

Outstanding issues in Stonecrest Shores subdivision

McKinney noted the he and Hansen met with Larry Strickland on April 30 regarding various outstanding issues related to the Stonecrest Shores subdivision. He added that Strickland provided a list of these issues, which have been forwarded on to Seno K/RLT Conservancy and Pruitt. Pruitt stated that Seno K/RLT Conservancy should follow up with Dan Neider to ensure that all homeowner concerns related to this subdivision are resolved before control of the common areas is transferred to the homeowner's association on August 1. He noted that the Town does have a letter of credit with Neider in the amount of \$50,000.00 to ensure that he is fully compliant with the Stonecrest Shores stewardship plan before he transfers control to the homeowner's association. He added that the Town would need written confirmation from Seno K/RLT Conservancy that Neider is in full compliance with the stewardship plan before that transfer took place or the letter of credit could be released. The Board also discussed a letter sent to the Town regarding drainage issues on the parcel immediately to

the north of the subdivision. The Board requested that the Town's engineer follow up with Neider on this issue as well as the unfinished mound system driveway. Pruitt noted that the Town could exercise authority over the easement if it is not properly maintained.

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

Ordinance 2015-03 Establishing procedures and criteria for waiving Board of Review hearing requests

McKinney noted that this ordinance establishes procedures and criteria that the Board of Review can follow when considering requests to waive the requirement for property owners or their representatives to appear before the Board of Review.

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

Ordinance 2015-04 Establishing procedures and criteria for allowing alternative forms of sworn testimony at Board of Review hearings

McKinney noted that this ordinance establishes procedures and criteria that the Board of Review can follow when considering requests to allow property owners or their representatives to use alternative forms of sworn testimony, such as written or telephone testimony, before the Board of Review. The Board felt that the Board of Review should follow the current statutory language when making this determination.

Motion (Hansen, Gruhn) to reject Ordinance 2015-04, MC.

Employee hours worked at Town's collection and recycling site

McKinney noted that one of the employees at the Town's collection and recycling site has had a significant increase in hours worked over the last several months. He stated that the number of hours worked by this employee could make them eligible for enrollment in the state's retirement system if the hours remain unchanged. He added that this employee has been covering hours for another employee working a reduced workload and is assisting with increased traffic during spring cleanup. Hansen stated that he would meet with the collection and recycling site manager to discuss this issue. The Board requested that McKinney monitor this employee's hours to ensure that they do not continue to exceed 50 hours per month.

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

Stray and Impound Animal Collection and Delivery Services Agreement insurance issues

McKinney noted that Playmate Kennels and Stables has not been able to secure the insurance coverage required in the Stray and Impound Animal Collection and Delivery Services Agreement. The Board requested that McKinney contact the Town's insurance provider to ascertain if any exposure exists for the Town if Playmate cannot meet the insurance requirements contained within this agreement.

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

5110 69th Drive erosion control permit progress

McKinney noted that he received an e-mail from the Town's engineer stating that the contractor on the 69th Drive road resurfacing project requested that the fence constructed within the right-of-way on the property located at 5110 69th Drive be removed before they begin work there next week. He added that the contractor would otherwise remove this fence themselves and charge the removal cost back to the Town, which could be charged back to the property owner.

Motion (McMahon, Hansen) to instruct the Clerk-Treasurer to send a letter to the owner of the property located at 5110 69th Drive requiring that said owner remove the portion of the fence constructed in the Town's right-of-way, MC.

Resolution 2015-06 Designating and appointing a Commissioner to the Yorkville Sewer Utility District Commission and the Yorkville Water Utility District Commission

McKinney noted that this resolution would appoint Leo DeBrabander to both the Yorkville Sewer Utility District Commission and the Yorkville Water Utility District Commission.

Motion (Hansen, Gruhn) to approve Resolution 2015-06 as submitted, MC.

Resolution 2015-07 Designating and appointing a Commissioner to the Yorkville Storm Water Commission

McKinney noted that no action was necessary on this resolution at this time, as a candidate has not been identified.

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

Policy for approval of annual Implements of Husbandry permit applications

McMahon stated that state statutes related to these applications exempt the applications and their consideration from open meetings and open records law. McKinney noted that the Board should appoint an official to be the approving authority for these applications.

Motion (McMahon, Hansen) to appoint the Clerk-Treasurer as the approving authority for all annual Implements of Husbandry permits, MC.

ASDA bid for 2015-2017 waste and recycling hauling services

McKinney noted that the only parts of ASDA's bid that would change from the Town's existing contract with them include the per dumpster costs for recycling and cardboard/paper containers and per ton disposal costs, which would increase each year by \$1.00 per ton. He added that ASDA would not charge the Town for a second pick-up each week if it were necessary.

Motion (Hansen, Gruhn) to approve the ASDA bid for 2015-2017 waste and recycling hauling services as submitted, MC.

Household hazardous waste collection options

McKinney noted that there are two household hazardous waste collection options in Racine County. The first option is offered by the Racine Wastewater Utility, is held 7 times per year and would cost approximately \$4,000.00 annually regardless of the number of users. The second option is offered by a group headed by the Town of Burlington, is held once each year, is based on the number of users and would cost less than \$1,000.00.

Motion (McMahon, Hansen) to instruct the Clerk-Treasurer to contact the Town of Burlington to express the Town's interest in participating in Burlington's annual Clean Sweep event, MC.

Application for a Special Event Permit submitted by Bob Pucci and the Take a Kid Hunting Foundation for the Union Grove Gun Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 3:00 p.m. to 8:00 p.m. on Friday, May 15, 2015, from 9:00 a.m. to 5:00 p.m. on Saturday, May 16, 2015, from 9:00 a.m. to 3:00 p.m. on Sunday, May 17, 2015, from 3:00 p.m. to 8:00 p.m. on Friday, October 23, 2015, from 9:00 a.m. to 5:00 p.m. on Saturday, October 24, 2015, and from 9:00 a.m. to 3:00 p.m. on Sunday, October 25, 2015

Motion (McMahon, Gruhn) to grant a Special Event Permit to Bob Pucci and the Take a Kid Hunting Foundation for the Union Grove Gun Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 3:00 p.m. to 8:00 p.m. on Friday, May 15, 2015, from 9:00 a.m. to 5:00 p.m. on Saturday, May 16, 2015, from 9:00 a.m. to 3:00 p.m. on Sunday, May 17, 2015, from 3:00 p.m. to 8:00 p.m. on Friday, October 23, 2015, from 9:00 a.m. to 5:00 p.m. on Saturday, October 24, 2015, and from 9:00 a.m. to 3:00 p.m. on Sunday, October 25, 2015, with no conditions, MC.

Reports

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

- That sentencing for the owner of the property located at 1932 51st Drive has been delayed by 30 days
- That the sex offender reported to have been living in the motel located at 4900 South Colony Avenue (USH 45) has been given by the Racine County Sheriff's Department until June 1 to move from the premises
- That the overgrown vegetation on the rear of the property located at 803 Log Cabin Drive has been cleared. He added that the garage door there has yet to be repaired.

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: The Engineer was not present to provide his report to the Board.

Yorkville Stormwater Utility District Report: Stephen Nelson reported to the Board on the following:

- That some of the issues included on the punch list established for the obstruction clearing

project on the East Branch of the Root River Canal have yet to be resolved

- That the Town was contacted today by the Wisconsin Department of Transportation (DOT) regarding past due property tax bills for several right-of-way properties they own and to which stormwater fees were assessed in the past. McKinney noted that the past due balances are several years old and added that the DOT is no longer assessed a stormwater fee for these properties.
- That the Stormwater Commission approved a \$350.00 reimbursement to be made to the owner of the property located at 15515 Spring Street (CTH C) for damages on that property stemming from the obstruction clearing project on the East Branch of the Root River Canal

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

- That he was contacted by the owner of the properties located at 3400 South Sylvania Avenue and 14017 Durand Avenue (STH 11) regarding a potential land division there
- That he was contacted by the owner of the property located at 17808 58th Road regarding a potential land division there
- That he is currently working on an ordinance that removes all references to specific fee amounts from the Town's code of ordinances
- That he plans to contact the State of Wisconsin Board of Commissioners of Public Lands to request a loan application for upcoming borrowing for the Union Grove-Yorkville Fire Department's new tanker truck and radio equipment
- That the Town's road resurfacing projects for this year on 59th Drive and 67th Drive will begin next week
- That the alcohol licenses issued to the new tenant of the property located at 904 South Sylvania Avenue have not been picked up
- That he planned to ask the Code Enforcement Officer to serve the fence removal letter authorized earlier this evening to the owner of the property located at 5110 69th Drive

Other – Comments, questions and suggestions

The Board and Plan Commission discussed the following:

- Speeding on 67th Drive
- The status of the alcohol licenses held by the former tenant of the bar/restaurant located at 904 South Sylvania Avenue
- The status of the notice of violation issued by the Racine County Development Services Department to the owner of the property located at 18917 Spring Street (CTH C)
- The large pothole on the gravel shoulder of 58th Road between South Sylvania Avenue and I-94. McKinney noted that the Town's engineer was informed by the Wisconsin Department of Transportation that they felt that this pothole was not caused by their resurfacing project there in 2014. Hansen noted that he would contact the Racine County Public Works Department to have them fill the pothole.

Adjournment

Motion (McMahon, Nelson) to adjourn, MC. The meeting was adjourned at 7:44 p.m. The next scheduled Town Board meeting is Tuesday, May 26, 2015, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer