

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JUNE 8, 2015**

Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:00 p.m.

Roll Call

The following Town 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 and Robert Root. Nathan Skewes was absent. Also present were William Klug representing Stericycle, Inc., Jeffrey Molinski representing Stahlwille Tools, LLC, Ray Stibeck and Steven Hawkins representing GZK Enterprise, LLC, Israel Vargas representing Homerun Heaven, Racine County Sheriff Christopher Schmaling, Mario Denoto, James Fox, Stormwater District Commission Chair Stephen Nelson, Attorney Tim Pruitt, Engineer Mark Madsen, Code Enforcement Officer Terrence O'Brien, Clerk-Treasurer Michael McKinney and approximately four other attendees.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the May 26, 2015 Town Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve payment of Town invoices in the amount of \$109,299.75, MC.

Approval of Stormwater Invoices

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices in the amount of \$2,302.73, MC.

Public Hearing – The Town Board held a public hearing to hear public comment on an application submitted by Daniels SharpSmart, Inc. for a 2015-2016 solid waste disposal, storage or treatment permit to operate a regulated medical waste treatment facility utilizing Autoclave (steam sterilization treatment) technology at 1340 Grandview Parkway (Parcel ID # 018-03-21-13-029-070) in the M-3 (Heavy Industrial) Zoning District

Hansen opened the public hearing at 6:04 p.m.

No representatives appeared on behalf of Daniels Sharpsmart.

James Fox asked whether this permit is valid for one or two years. Hansen noted that this permit is only valid for one year.

With no other comments forthcoming, Hansen closed the public hearing at 6:07 p.m.

Public Hearing – The Town Board held a public hearing to hear public comment on an application submitted by Stericycle, Inc. for a 2015-2016 solid waste disposal, storage or treatment permit to operate a regulated medical waste treatment facility utilizing Electro-Thermal Deactivation (shredding and thermal inactivation by use of low frequency radio waves) technology at 14035 Leetsbir Road (Parcel ID #'s 018-03-21-24-002-130 and 018-03-21-24-002-120) in the M-3 (Heavy Industrial) Zoning District

Hansen opened the public hearing at 6:07 p.m.

William Klug, Stericycle Regional Operations Manager, was present to discuss this application with the Town Board. He provided a summary of Stericycle's annual processing statistics and noted that there are no plans to expand the existing operation at this time. He stated that this facility disposes of pharmaceutical waste by incineration.

With no other comments forthcoming, Hansen closed the public hearing at 6:11 p.m.

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

Request submitted by Sylvania Partners, LLC (on behalf of Stahlwille Tools, LLC) for occupancy approval for the property located at 1510 South Sylvania Avenue, Units 207 and 208 (Parcel ID #'s 018-03-21-13-030-207 and 018-03-21-13-030-208) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of said units at this address with a tool warehousing and servicing business called Stahlwille Tools

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

- Proposed activity would be occupancy of said units at this address with a German-based tool warehousing and servicing business called Stahlwille Tools
- Daily operating hours would be Monday through Friday from 7:00 a.m. to 7:00 p.m.
- Two employees planned, with up to three additional employees anticipated in the future
- Anticipated occupancy date is planned for July 15, 2015
- No overnight vehicle parking
- No outdoor equipment or material storage

Motion (Fink, Nelson) to recommend approval of the request submitted by Sylvania Partners, LLC (on behalf of Stahlwille Tools, LLC) for occupancy approval for the property located at 1510 South Sylvania Avenue, Units 207 and 208 (Parcel ID #'s 018-03-21-13-030-207 and 018-03-21-13-030-208) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of said units at this address with a tool warehousing and servicing business called Stahlwille Tools, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Sylvania Partners, LLC (on behalf of Stahlwille Tools, LLC) for occupancy approval for the property located at 1510 South Sylvania Avenue, Units 207 and 208 (Parcel ID #'s 018-03-21-13-030-207 and 018-03-21-13-030-208) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of said units at this address with a tool warehousing and servicing business called Stahlwille Tools, with no conditions, MC.

Request submitted by GZK Enterprise, LLC for site plan approval for the properties located at 14001, 14007 and 14015 Washington Avenue (STH 20), 904 South Sylvania Avenue and the vacant lot between 904 South Sylvania Avenue and 14007 Washington Avenue (STH 20) (Parcel ID #'s 018-03-21-13-010-020, 018-03-21-13-014-020, 018-03-21-13-014-010, 018-03-21-13-008-030 and 018-03-21-13-010-040) in the B-2 (Community Business) and B-3 (Commercial Service) Zoning Districts to allow the applicant to hold a two-day music event on these properties called Summer SRIM Fest on Friday, July 17, 2015, from 5:00 p.m. to midnight, and Saturday, July 18, 2015, from noon to midnight

Ray Stibeck and Steve Hawkins appeared before the Town Board and Plan Commission to discuss this application. Hawkins provided a written event description to the Town Board and Plan Commission. Stibeck provided the following information on the application:

- Proposed activity would be a two-day music event on these properties called Summer SRIM Fest
- Event will involve approximately 40 music groups playing on five indoor/outdoor stages within the event grounds
- Event will take place on Friday, July 17, 2015, from 5:00 p.m. to midnight, and Saturday, July 18, 2015, from noon to midnight
- The five stages will not all be used at the same time
- Alcohol will only be sold and consumed within a fenced-in area with security present
- Licensed servers will be on-site to sell alcohol to attendees
- Wristbands will be used to identify attendees old enough to consume alcohol
- The event grounds will be fenced-in and security will control access to the site
- Parking will not be allowed on the property located at 734 Grandview Parkway
- Will use state-regulated mobile festival stages with lighting and guard railing along the front
- Will monitor music volume to ensure it is within Town and County limits
- Will use generator-powered portable tower lighting for the event site
- Anticipated combined attendance to be approximately 1,000-2,000 for both days
- Off-duty Racine County Sheriff's Department personnel will be on site to provide security
- Attendees will be notified if there is an imminent threat of severe weather. Otherwise the event will be held rain-or-shine.

Mario Denoto addressed the Town Board and Plan Commission regarding his concerns related to this event. He addressed the recently constructed parking lot on the property located at 14007 Washington Avenue (STH 20). He also expressed concern over patrons of this event using bathrooms in his facility as well as the proposed closure of a portion of the private road in front of his property. He requested that steps be taken to prevent event patrons from coming onto his property and asked that no portion of the private road immediately in front of his property be closed. Stibeck noted that he could not be responsible

for any trespassers on this property, He also stated that he would not close off any portion of the road on this property.

Motion (Nelson, Fink) to recommend approval of the request submitted by GZK Enterprise, LLC for site plan approval for the properties located at 14001, 14007 and 14015 Washington Avenue (STH 20), 904 South Sylvania Avenue and the vacant lot between 904 South Sylvania Avenue and 14007 Washington Avenue (STH 20) (Parcel ID #'s 018-03-21-13-010-020, 018-03-21-13-014-020, 018-03-21-13-014-010, 018-03-21-13-008-030 and 018-03-21-13-010-040) in the B-2 (Community Business) and B-3 (Commercial Service) Zoning Districts to allow the applicant to hold a two-day music event on these properties called Summer SRIM Fest on Friday, July 17, 2015, from 5:00 p.m. to midnight, and Saturday, July 18, 2015, from noon to midnight, based upon the event description provided to the Town Board and Plan Commission at this meeting by GZK Enterprise, LLC, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by GZK Enterprise, LLC for site plan approval for the properties located at 14001, 14007 and 14015 Washington Avenue (STH 20), 904 South Sylvania Avenue and the vacant lot between 904 South Sylvania Avenue and 14007 Washington Avenue (STH 20) (Parcel ID #'s 018-03-21-13-010-020, 018-03-21-13-014-020, 018-03-21-13-014-010, 018-03-21-13-008-030 and 018-03-21-13-010-040) in the B-2 (Community Business) and B-3 (Commercial Service) Zoning Districts to allow the applicant to hold a two-day music event on these properties called Summer SRIM Fest on Friday, July 17, 2015, from 5:00 p.m. to midnight, and Saturday, July 18, 2015, from noon to midnight, with no additional conditions beyond those established by the Plan Commission, MC.

Other – Comments, questions and suggestions

Israel Vargas and Racine County Sheriff Christopher Schmaling were present to discuss the reported incidents that took place yesterday at the Homerun Heaven property, located at 3400 South Sylvania Avenue. Vargas stated that he did not witness the incidents but felt that the incidents were the result of police intervention. Schmaling noted that officers were called to the event for a reported assault in progress, adding that deputies at the scene witnessed several other assaults take place while there. He stated that security staff and management were not adequate for this event. He added that there was also an accident reported on I-94 involving an intoxicated attendee of this event. Hansen recommended that the Town Board meet on June 18 to discuss whether any action is necessary on Homerun Heaven's special event permit or beer license. Vargas noted that he planned to hold an event on June 21 and asked the Town Board if he could proceed with this event as planned. Hansen stated that Vargas could proceed with this event. The Town Board also requested that Vargas meet with the Sheriff's Department to discuss the necessary steps to ensure that this type of incident never occurs again.

License and permit applications for the period of July 1, 2015 to June 30, 2016 for the following licenses and permits:

- Daniels SharpSmart, Inc., 1340 Grandview Parkway
 - Solid waste disposal, storage or treatment permit
- Stericycle, Inc., 14035 Leetsbir Road
 - Solid waste disposal, storage or treatment permit

- Citgo Auto Truck Plaza, 611 South Sylvania Avenue (Agent: Robert Francis Basil) (Premises: Retail Store, Back Stock Room and Walk-In Cooler)
 - Class “A” Beer and Class “B” Beer licenses
 - Operator licenses
 - Sean Albrecht
 - Zachary Barnes
 - Steven Basil
 - Ryan Burch
 - Christine Garvey
 - Justin Langenfeld
 - John Meehan
 - Jerome Michel
 - Ryan Nelson
 - Jonathan Witek
 - Cigarette license
 - Gaming machine license (5 electronic gaming + 2 miscellaneous)
- Country Mart, 1920 South Colony Avenue (Agent: Gurdev Singh) (Premises: Retail Store)
 - Combination Class A Beer and Liquor licenses
 - Operator licenses
 - Manjeet Singh Babbar
 - Cigarette license
 - Gaming machine license (2 electronic gaming)
- Fairway Café/Ives Grove Golf Links, 14101 Washington Avenue (Agent: Peter James Eitel) (Premises: Clubhouse, Cooler, Pavilion and Beverage Cart)
 - Combination Class B Beer and Liquor licenses
 - Operator licenses
 - Candace Baas
 - Noel Fritz
 - Rebecca Kocha
 - Leann Mason
 - Danielle Seitz
 - Cigarette license
- Highlands Petro, 717 South Sylvania Avenue (Agent: Shari Erskine) (Premises: Travel Store and Iron Skillet)
 - Combination Class B Beer and Liquor licenses
 - Operator licenses
 - Samantha Cheever
 - Lorie DeGuire
 - Justine Heineck
 - Mary Hoegsted
 - Nakia Hudson
 - Mia Irish
 - Jeanne Klinkhammer
 - Jennifer Lunceford
 - Julie Paulaski
 - Jennifer Risch
 - Sheila Slye
 - Stella Teschner
 - Jessie Wahl

- Elizabeth Woods
 - Sarah Zuchowski
- Cigarette license
- Gaming machine license (5 electronic gaming + 16 miscellaneous)
- Outback Tiki, 14007 Washington Avenue (Agent: Steve Hawkins) (Premises: Vacant Land)
 - Combination Class B Beer and Liquor licenses
- Roseanne's Floral, 1818 South Colony Avenue (Agent: Roseanne Fohr) (Premises: Flower and Gift Shop)
 - "Class A" Liquor license
 - Operator licenses
 - Diane Sluga
- Route 20 Outhouse, 14001 Washington Avenue (Agent: Ray Stibeck) (Premises: Restaurant, Bar and Grill, Mezzanine, Patio and Parking Lot)
 - Combination Class B Beer and Liquor licenses
 - Gaming machine license (5 electronic gaming + 2 miscellaneous)
 - Dance hall license
 - Annual special event permit
- Rte 20 Chicken & Waffles, 904 South Sylvania Avenue (Agent: Ray Stibeck) (Premises: Restaurant and Bar)
 - Combination Class B Beer and Liquor licenses
 - Gaming machine license (5 electronic gaming + 2 miscellaneous)
- Wisconsin Sportsman's Association, 16010 Durand Avenue (Agent: David A. Sands) (Premises: Club House)
 - Class "B" Beer license
 - Operator licenses
 - Walter Luedtke
 - Ralph Maier
 - Shooting facility license
- Fonk's Home Center, Inc., 15941 Durand Avenue
 - Mobile home park license
- Esmond Motel, 4900 South Colony Avenue
 - Hotel/motel license
- Quality Inn, 910 South Sylvania Avenue
 - Hotel/motel license
- Traveler's Inn, 14017 Durand Avenue
 - Hotel/motel license

McKinney noted that no complaints were filed with the Wisconsin Department of Natural Resources regarding the operations at Stericycle or Daniels Sharpsmart. He added that there are no outstanding issues with any of the remaining license applicants.

Motion (Gruhn, Hansen) to approve all listed 2015-2016 license and permit applications as presented, with no conditions, MC.

Development moratorium and farmland preservation

James Fox appeared before the Town Board and Plan Commission to request that they consider implementing a development moratorium in the Town. He stated that he feels that additional development would become too much of a burden on the community. Pruitt

reviewed state statutes relating to development moratoriums, noting that they are difficult to enact and cannot last for more than one year. He added that the moratorium must be justified and must address a significant threat to health or safety within the community. Madsen noted that the Town's comprehensive plan must be amended if such a moratorium were enacted. The Town Board recommended that Fox review state statutes and the Town's comprehensive plan and land division ordinances to determine whether such a moratorium would be feasible.

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

Stray and Impound Animal Collection and Delivery Services Agreement insurance issues

Pruitt noted that his office reviewed the existing insurance policies for Playmate Kennels and Stables with the Town's insurance provider. He stated that the insurance coverage that Playmate currently carries does not provide comprehensive liability coverage for any activities away from the premises, such as when animals are collected and brought back to Playmate. He added that by making the Town an additional insured on Playmate's insurance policy, it would be the primary policy if any claims were filed against Playmate or the Town. He noted that the minimum annual cost of acquiring sufficient liability coverage would be approximately \$1,500.00. The Town Board and Plan Commission discussed several solutions, including terminating the existing contract with Playmate, increasing the amount paid to Playmate to cover the additional insurance costs Playmate would bear by acquiring the correct policy, or making a Playmate representative an employee of the Town, thus covering that representative under the Town's liability policy. The Town Board and Plan Commission opted to delay any action on this issue until the next Town Board/Plan Commission meeting on July 13.

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

Reports

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

- The need for a police presence during any events held at the Homerun Heaven property, located at 3400 South Sylvania Avenue
- That any complaints regarding foxes reported on Evans Lane should be forwarded to the Wisconsin Department of Natural Resources
- That none of the trees cut down along the right-of-way along South Colony Avenue (USH 45) between 4900 South Colony Avenue (USH 45) and 5114 South Colony Avenue (USH 45) are in the ditch. McKinney noted that he did contact the property owner, who stated that her husband and grandchildren cut the trees down. He added that the property owner stated that she would ask her husband to cut up and remove the trees. The Town Board requested that McKinney follow up on this issue with the property owner in a month or two if no action is taken.

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

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

Hansen requested that McKinney contact the building inspector to ask him to contact the owner of the property located at 3400 South Sylvania Avenue regarding the stage built on that property without a permit.

Engineer's Report: Madsen reported to the Town Board on the following:

- That the road repaving projects on 69th Drive and 59th Drive are nearing completion, with only shoulder work remaining
- That plan preparation continues for the project to rehabilitate the 58th Road bridge over the East Branch of the Root River Canal
- That he investigated the complaint regarding poor drainage filed by the property owner immediately to the north of the Stonecrest Shores subdivision. He noted that the drainage work causing the issues was likely done by the Stonecrest Shores subdivider.
- McMahon noted that Crack Filling Service completed crack filling in the Stonecrest Shores subdivision and requested that the Town send the invoice for the completed work to Dan Neider for payment. He added that Crack Filling Service recommended that crack filling not be done at this time in the Woodland Waters subdivision.

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

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

- That the owner of the property located at 17808 58th Road plans to submit a concept plan to the Town Board and Plan Commission for a proposed subdivision of that property
- That the Racine County Development Services Department received an application for rezoning of the property located at 18917 Spring Street (CTH C). He added that the property owner there has yet to submit all application materials for a new conditional use permit for the property.
- That a raze permit has been issued for the accessory structure located on the vacant lot located at 14101 Evans Lane
- That Hansen received a complaint from a resident regarding noise at the facility located at 2319 Raymond Avenue (CTH U). Hansen noted that the issue for which the complaint was made cannot be addressed by the Town.
- That he contacted the building inspector and the Central Racine County Health Department (CRCHD) regarding a complaint the Town received about peeling paint on the home located at 17806 Old Yorkville Road. He noted that the building inspector and the CRCHD informed him that, given the circumstances, they do not have any jurisdiction over this issue.
- That he received an email from the Racine County Development Services Department regarding a property dispute between the property owners at 625 61st Drive and 717 61st Drive
- That he was contacted by the manager of the facility located at 717 South Sylvania Avenue regarding a potential special event there on July 17 and 18. He noted that he advised this individual to contact the Racine County Development Services Department about this issue before pursuing it any further.
- That the meeting with property owners regarding drainage in the 15700 block of Durand Avenue (STH 11) is going to be held during the next regular Town Board meeting on June 22

- That he was notified by the Waste and Recycling Collection Site manager that they have had issues with ticks at the site over the last few weeks. He noted that he contacted a pest control firm that informed him that the ticks should no longer be an issue once the weather gets warmer and drier.
- That the Union Grove-Yorkville Fire Commission will review draft resolutions on June 10 related to borrowing for a new tanker truck and radio equipment for the Union Grove-Yorkville Fire Department
- That he and the Town's attorney continue to work on fee and alcohol licensing ordinance updates, which will be ready for review by the Town Board and Plan Commission at their July 13 meeting

Other – Comments, questions and suggestions

No comments, questions or suggestions were provided.

Adjournment

Motion (Nelson, Fink) to adjourn, MC. The meeting was adjourned at 8:00 p.m. The next scheduled Town Board meeting is Monday, June 22, 2015, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer