

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, NOVEMBER 9, 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, Robert Root and Nathan Skewes. Also present were Rick Urban representing The DeLong Company, Douglas Sutter representing Keller, Jim Fox, Barb Olsen, Marie Mutter, Chris Mutter, Alan Jasperson, Lyle Jasperson, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

Approval of Minutes

Motion (McMahon, Gruhn) to approve the October 29, 2015 Town Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

Motion (Gruhn, McMahon) to approve payment of Town invoices as presented in the amount of \$58,820.89, MC.

Approval of Stormwater Invoices

Hansen noted that no Stormwater invoices were presented for payment.

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 submitted by The DeLong Company, Inc. (with True North Consultants, Inc. as agent) for site plan approval for the property located at 1313 South Colony Avenue (USH 45) (Parcel ID # 018-03-21-20-011-010) in the A-2 (General Farming and Residential) Zoning District to allow the construction of a 58-foot by 70-foot (4,060 square foot) fertilizer mix/load building and a 40-foot by 80-foot (3,200 square foot)

outside fertilizer containment structure to the west of the existing grain bins and to the southwest of the existing office building and truck scale on the property

Rick Urban and Douglas Sutter appeared before the Town Board and Plan Commission to discuss this application. They provided the following information on the application:

- Proposal is to construct a 58-foot by 70-foot (4,060 square foot) fertilizer mix/load building and a 40-foot by 80-foot (3,200 square foot) outside fertilizer containment structure to the west of the existing grain bins and to the southwest of the existing office building and truck scale on the property
- That the mix/load building, which will be used to load and unload liquid fertilizer, will be a 40-foot high, steel-sided structure built on a concrete slab-on-grade foundation. This building will be cream in color with green trim and will include office space and restroom facilities with well water access and which will tie into the existing septic system on the property
- That the containment structure, which will surround up to ten 30,000-gallon liquid fertilizer tanks, will be a 33-inch high pre-engineered steel ring with a 60-mil thick plastic liner. Each fertilizer tank will be 35 feet tall and 12 feet in diameter and will be white in color.
- That construction is proposed to be completed by March 2016.
- That there are no proposed changes to the number of employees working on-site or the hours of operation.

Urban noted that the containment structure would retain rainwater, eliminating any runoff from this structure. He stated that this new facility would use electric motors but added that the noise generated by these motors would be less than that generated by the grain storage facility. He noted that the peak season for this new facility would be from April through June. He stated that there would be light semi-truck and other vehicular traffic using this facility, adding that traffic would enter the mix/load building from the south. He noted that DeLong plans to keep one piece of fertilizer application equipment at this facility. He stated that the service area of this facility would be approximately 25 miles. He noted that the plastic liner in the containment structure is guaranteed for 20 years under full sun exposure. Madsen stated that the applicant should submit a stormwater and erosion plan for his review.

Urban noted that this facility would have 2-3 employees. He stated that there will be fertilizer tank inspections done on a weekly basis, state-required self-monitoring inspections done semi-annually and state inspections done on an annual basis. He noted that this facility would be constructed to the west of the grain elevators to improve access to it and because that area is on higher ground. He stated that the fertilizer storage tanks in the containment structure will need to be two feet apart and three feet from the containment structure's walls. He added that the storage tanks will be anchored to the ground. He noted that the containment structure can hold up to 125% of one tank's contents and added that no fumes will be generated by this facility. He stated that the fertilizer stored at this facility will contain 32 percent nitrogen during the spring and 28 percent nitrogen during the rest of the year. Sutter noted that a drainage plan is being drafted for this facility, adding that no new impervious surfaces are being added.

Motion (Fink, Nelson) to recommend approval of the request submitted by The DeLong Company, Inc. (with True North Consultants, Inc. as agent) for site plan approval for the property located at 1313 South Colony Avenue (USH 45) (Parcel ID #

018-03-21-20-011-010) in the A-2 (General Farming and Residential) Zoning District to allow the construction of a 58-foot by 70-foot (4,060 square foot) fertilizer mix/load building and a 40-foot by 80-foot (3,200 square foot) outside fertilizer containment structure to the west of the existing grain bins and to the southwest of the existing office building and truck scale on the property, with the following condition:

- ***That the applicant provides a stormwater and erosion management plan to the Town of Yorkville and that the Town Engineer reviews and approves this stormwater and erosion management plan before any construction take place, MC.***

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by The DeLong Company, Inc. (with True North Consultants, Inc. as agent) for site plan approval for the property located at 1313 South Colony Avenue (USH 45) (Parcel ID # 018-03-21-20-011-010) in the A-2 (General Farming and Residential) Zoning District to allow the construction of a 58-foot by 70-foot (4,060 square foot) fertilizer mix/load building and a 40-foot by 80-foot (3,200 square foot) outside fertilizer containment structure to the west of the existing grain bins and to the southwest of the existing office building and truck scale on the property, with no additional conditions beyond those recommended by the Plan Commission, MC.

Pre-application conference with Marie Mutter regarding a proposed division by Certified Survey Map of the property located at 19912 Washington Avenue (STH 20) (Parcel ID # 018-03-21-06-016-000)

Marie Mutter appeared before the Town Board and Plan Commission to discuss this request. She stated that her original plan was to construct a new home at this address while allowing the existing home to remain. She noted that since she cannot construct a second home on the property, she was proposing instead to divide the property by certified survey map. She added that the existing home on the property would need to be razed if STH 20 was widened to four lanes. Hansen noted that one of the proposed lots was not code compliant in lot size and road frontage, while the second proposed lot was not code compliant in road frontage and lot depth. He added that County regulations do not allow a second home to be constructed on the property.

Mutter noted that both parcels would remain under family ownership and would share the existing driveway to the property. Pruitt stated that a deed restriction could be added to a certified survey map stating that the two lots would need to be recombined if the existing home on the property was razed. Madsen suggested that the Town Board and Plan Commission consider creating a one-acre lot with the existing home on it, which would at least be compliant with County ordinances. The Town Board and Plan Commission discussed this request, including the precedent such an approval would create and whether the existing lot requirements are too restrictive, and determined that they would not approve such a division.

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

Pre-application conference with Alan Jasperson regarding a proposed lot line reconfiguration and development of six contiguous properties located at the southeast

corner of the east intersection of North Colony Avenue (USH 45) and Washington Avenue (STH 20)

Alan Jasperson appeared before the Town Board and Plan Commission to discuss this request. He presented a draft land division plan showing a reconfiguration of the existing six lots at this intersection into nine lots with a public road with deceleration and acceleration lanes coming off of STH 20. He stated that he was proposing this change to create a more logical layout at the intersection. He noted that the lot immediately to the south of these lots would have access to USH 45 by way of a shared driveway access easement coming from the north. He stated that he would prefer the use of these properties to be residential.

Pruitt noted that this proposed change could only be accomplished through a subdivision plat. He added that the Town Board could waive the requirement that this subdivision include conservation values and features. He stated that the Town's land use plan would need to be amended if all parcels were to become residential, as one of the parcels is currently designated for commercial use. Jasperson noted that his intention would be for each parcel to have individual septic and well access. He added that the proposed road off of STH 20 has already been approved by the Wisconsin Department of Transportation. Pruitt noted that Jasperson would need to sign a development agreement and would need to produce a list of items for which he is requesting a waiver.

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

Extension of Irrevocable Standby Letter of Credit # 1513 in the amount of \$50,000 for all conservation easement work in the Stonecrest Shores subdivision

McKinney noted that the only change to this letter of credit would be the expiration date, which would be extended to November 15, 2016.

Motion (McMahon, Gruhn) to extend Irrevocable Standby Letter of Credit # 1513 in the amount of \$50,000 for all conservation easement work in the Stonecrest Shores subdivision for one year, with an updated expiration date of November 15, 2016, MC.

Town policy for Certified Survey Map waiver or modification requests

Pruitt noted that this policy would need to be tied to the Town's ordinances to be effective. He added that applicants could still apply for a waiver but could use the policy as a guide to determine whether their request would be approved.

Motion (Gruhn, Geschke) to recommend tabling this agenda item until the joint Town Board/Plan Commission meeting on Monday, December 14, 2015, MC.

Motion (McMahon, Hansen) to accept the Plan Commission's recommendation and to table this agenda item until the joint Town Board/Plan Commission meeting on Monday, December 14, 2015, MC.

Town policy for highway-related expenditures

McKinney noted that the updated draft of this policy gives the Racine County Public Works Department discretion to perform all routine highway-related work, such as pothole patching, street sweeping and sign replacement, without Town approval. He added that this policy

requires that the Town inform the Racine County Public Works Department annually of any upcoming highway projects to limit the number of unnecessary repairs performed on those roads slated for road work. The Town Board also discussed the procedure for clearing downed trees in the road right-of-way. McMahon noted that anyone reporting a downed tree in the right-of-way should call 9-1-1 immediately to report it. He added that the cost of clearing fallen trees from Town road rights-of-way is paid by the Town.

Motion (McMahon, Gruhn) to adopt this Town policy for highway-related expenditures as presented, MC.

Implements of Husbandry weight restriction option selection

McKinney noted that the Town Board would need to select a weight restriction option by November 30 in order for it to take effect January 1. The Town Board discussed this issue and opted to take no action, which would only allow the Town to restrict the gross weight of implements of husbandry on Town roads rather than continuing the practice of enforcing limits on the gross and axle weights of implements of husbandry.

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

2016 Road construction project estimates

Madsen noted that he completed cost estimates for repaving the western half of Braun Road and the two curves on Grandview Parkway south of South Sylvania Avenue. He stated that the cost of repaving Grandview Parkway would be approximately \$226,000, while the cost of repaving Braun Road would be approximately \$255,000. Given the cost of the two projects, the Town Board discussed repaving Grandview Parkway in 2016 and Braun Road in 2017. The Town Board also discussed other smaller projects to consider for 2016, including repaving of 10th Avenue with the funds remaining in the road construction budget.

Motion (Hansen, McMahon) to recommend completing the proposed repaving project on Grandview Parkway in 2016, MC.

Submittal of a 2016-2017 Town Road Discretionary Improvement Program application and/or a 2016-2017 Town Road Improvement Program application under the 2016-2017 Local Roads Improvement Program

Madsen discussed the completed Town Road Discretionary Improvement Program application for proposed drainageway relocation, culvert extension and repaving work on 61st Drive.

Motion (Gruhn, McMahon) to authorize the submission of the 2016-2017 Town Road Discretionary Improvement Program application for proposed drainageway relocation, culvert extension and repaving work on 61st Drive, MC.

Reports

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

- That cleanup of the boats stored on the property located at 1932 51st Drive should begin again soon. He noted that he plans to visit the site again in January.

- That he fulfilled an open records request regarding the dog bite incident reported on Old Yorkville Road in September
- That he has not received any updates from the Racine County Planning and Development Services Department regarding zoning issues on the property located at 2222 53rd Drive
- That he planned to contact the Racine County Sheriff's Department for an update on the writ of assistance issued for the property located at 17908 Old Yorkville Road. He added that he has contacted the bank about this property.

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

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

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

Yorkville Stormwater Utility District Report: Stephen Nelson noted that the district should complete its vegetation-clearing project on the East Branch of the Root River Canal before spring.

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

- He asked whether the Town Board had any interest in having the Racine County Treasurer collect property taxes instead of the Town during the property tax collection grace period, which is in the first week of February. The Town Board opted to have the Town continue to collect tax payments during the grace period.
- That the public hearing for the 2016 budget is scheduled for Monday, November 16 at 7:00 p.m.
- That the owners of the property located at 15005 Washington Avenue (STH 20) plan to submit a certified survey map application proposing to split this property into two
- That a site plan application for the property located at 19319 Washington Avenue (STH 20) will appear on the December 14 joint Town Board/Plan Commission agenda
- That the budget included in the fall newsletter erroneously reflected the proposed 2015 budget rather than the proposed 2016 budget. He noted that the correct budget notice was posted in three places and published in the newspaper.

Other – Comments, questions and suggestions

No comments, questions or suggestions were provided.

Adjournment

Motion (Nelson, Fink) to adjourn, MC. The meeting was adjourned at 7:59 p.m. The next scheduled Town Board meeting is Monday, November 23, 2015, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer