

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, DECEMBER 14, 2015**

Call to Order

Clerk-Treasurer Michael McKinney called the meeting to order at 6:00 p.m.

Roll Call

The following Town Board members were present: Sherry Gruhn and Terrence McMahon. Peter Hansen was absent. The following Plan Commission members were present: Sherry Gruhn, Gary Fink, Douglas Nelson and Barbara Geschke. Peter Hansen, Robert Root and Nathan Skewes were absent. Also present were Chris Bower representing Bower Design and Construction, Steven Voge, Ann Voge, Jim Fox, Dan Minton, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

Motion (McMahon, Gruhn) to appoint Sherry Gruhn as temporary Town Board Chair in the Town Board Chair's absence, Motion Carried (MC).

Approval of Minutes

Motion (McMahon, Gruhn) to approve the November 23, 2015 Town Board meeting minutes as presented, MC.

Approval of Financial Reports

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

Approval of Town Invoices

Gruhn noted that the invoice list included a \$103,155.00 payment for a new tanker truck for the Union Grove-Yorkville Fire Department.

Motion (McMahon, Gruhn) to approve payment of Town invoices as presented in the amount of \$191,797.08, MC.

Approval of Stormwater Invoices

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices as presented in the amount of \$236.25, MC.

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

Request submitted by Laketa Holdings, LLC (with Bower Design and Construction as agent) for site plan approval for the property located at 19319 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-010) in the B-1 (Neighborhood Business) Zoning District to allow the construction of a single-story, 1,316-square foot addition to the southeast-facing side of the existing café and bakery located at this address

Chris Bower appeared before the Town Board and Plan Commission to discuss this application. The following information was provided on the application:

- Proposal is to construct a single-story, 1,316-square foot addition to the southeast-facing side of the existing café and bakery located at this address
- Addition would create space for baking, food preparation and food storage and would not be used for expansion of the existing café's seating area.
- Possible addition of up to 3 or 4 bakery employees as part of this expansion.
- Addition would use the existing sewer holding tanks on the property, which are located behind the proposed addition.
- Addition would have a peak height of 20'3".
- The exterior colors and finishes of this addition would match those of the existing building.
- Addition would have landscaping to match the landscaping around the existing building.
- Addition would be constructed on an existing graveled area.
- Proposing to begin construction in late 2015 or early 2016 and plans to complete construction in approximately four months

Motion (Fink, Geschke) to recommend approval of the request submitted by Laketa Holdings, LLC (with Bower Design and Construction as agent) for site plan approval for the property located at 19319 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-010) in the B-1 (Neighborhood Business) Zoning District to allow the construction of a single-story, 1,316-square foot addition to the southeast-facing side of the existing café and bakery located at this address, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Laketa Holdings, LLC (with Bower Design and Construction as agent) for site plan approval for the property located at 19319 Washington Avenue (STH 20) (Parcel ID # 018-03-21-07-001-010) in the B-1 (Neighborhood Business) Zoning District to allow the construction of a single-story, 1,316-square foot addition to the southeast-facing side of the existing café and bakery located at this address, with no conditions, MC.

Request submitted by Steven Voge (on behalf of Daniel Voge, Samuel Bratz and Evan Bratz as tenants-in-common) for the following for the property located at 15005 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-027-000) in the A-2 (General Farming and Residential II) Zoning District:

- To grant a waiver of Town Ordinance 28-84(d)(2) regarding minimum lot size, which requires that all parcels without municipal sewer access created by certified survey map be at least three acres in size

- **To approve a certified survey map dividing the existing parcel at this address into a 3-acre parcel to the east and a 2.92-acre parcel to the west**

Steven Voge and Ann Voge appeared before the Town Board and Plan Commission to discuss this request. Madsen recommended that Lot 2 of the proposed certified survey map be turned into an outlot, adding that an outlot could not be built upon but would still comply with the applicant's vision for how the lot would be used. He stated that since the outlot cannot be built upon, it would not be subject to Town ordinances regarding lot size and would not require a waiver from the Town Board and Plan Commission to be created by certified survey map. Pruitt recommended that a restriction be placed on the outlot preventing it from further division. He added that the owner of the outlot would need to appear before the Town Board and Plan Commission for a waiver to request permission to build on the lot in the future. He noted that the property owner would still need a waiver to develop this lot even if municipal sewer service were extended to the property. He stated that an outlot would be assessed as a non-buildable lot, which would lower the tax liability for that parcel.

Madsen recommended that neither lot be permitted to have any additional access to either Washington Avenue (STH 20) or Plank Road (CTH A). He also recommended that the applicant contact the Wisconsin Department of Transportation to determine whether the applicant has permission to use the existing access point from the outlot to Washington Avenue. Pruitt noted that the Town should require an access easement between Lot 1 and the outlot if the Wisconsin Department of Transportation does not permit the existing access from the outlot to Washington Avenue. Madsen recommended that a shared pond access, use and maintenance agreement be recorded with the Racine County Register of Deeds between the three properties with frontage on the pond. The Town Board and Plan Commission did not feel it was necessary to record this agreement before or at the same time the certified survey map was recorded.

No formal action was taken by the Town Board or Plan Commission on the waiver request.

Motion (Geschke, Nelson) to recommend approval of the certified survey map request submitted by Steven Voge (on behalf of Daniel Voge, Samuel Bratz and Evan Bratz as tenants-in-common) for the property located at 15005 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-027-000) in the A-2 (General Farming and Residential II) Zoning District allowing for the division of the existing parcel at this address into a 3-acre parcel to the east and a 2.92-acre parcel to the west, contingent upon legal and engineering review and approval, and with the following conditions:

- ***That Lot 2 on the certified survey map be renamed as an outlot, with deed restrictions placed on said outlot prohibiting any further division, development and access onto Plank Road (CTH A)***
- ***That the applicant confirm with the Wisconsin Department of Transportation (DOT) that the applicant has DOT permission to use the existing highway access point from the outlot to Washington Avenue (STH 20) and, if the applicant has permission to use said access, that this access be denoted on the certified survey map and, if the applicant does not have permission to use said access, that the certified survey map include an access easement between the outlot and Lot 1 and said access be abandoned***

- ***That no additional highway access points beyond those already existing and approved by the Wisconsin Department of Transportation and the Racine County Public Works Department be allowed for either lot***
- ***That the applicant records a shared pond access, use and maintenance agreement with the Racine County Register of Deeds that is signed by all parties with access to the pond and to allow the applicant to record this agreement after the certified survey map has been recorded, MC.***

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the certified survey map request submitted by Steven Voge (on behalf of Daniel Voge, Samuel Bratz and Evan Bratz as tenants-in-common) for the property located at 15005 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-027-000) in the A-2 (General Farming and Residential II) Zoning District allowing for the division of the existing parcel at this address into a 3-acre parcel to the east and a 2.92-acre parcel to the west, contingent upon legal and engineering review and approval, and with no additional conditions beyond those recommended by the Plan Commission, MC.

Town policy for Certified Survey Map waiver or modification requests

Revisions to Chapter 28 of the Town of Yorkville Code of Ordinances regarding land divisions

The Town Board and Plan Commission discussed several issues related to the proposed policy for certified survey map waiver or modification requests, including whether the proposed policy was too specific, whether it was necessary given the low volume of requests received and whether it would be better to consider requests on a case-by-case basis. The Town Board and Plan Commission also discussed whether large-scale changes were necessary to Chapter 28 of the Town of Yorkville Code of Ordinances regarding land divisions. Madsen noted that one change that the Town Board and Plan Commission may consider making is to eliminate the requirement to map out large remnant parcels on certified survey maps. Pruitt stated that the chapter should be updated to include recently-adopted changes to state law regarding land divisions.

Motion (McMahon, Gruhn) to indefinitely table the agenda item regarding a proposed Town policy for certified survey map waiver or modification requests and to table the agenda item regarding revisions to Chapter 28 of the Town of Yorkville Code of Ordinances regarding land divisions until the joint Town Board/Plan Commission meeting on Monday, January 11, 2016, MC.

Limitations on the number of animals kept on residential properties and small parcels

McKinney noted that he has been contacted several times recently about how many animals, such as horses and chickens, can be kept on smaller parcels. He added that the Town only regulates the number of dogs that can be kept. He reviewed local municipal ordinances regarding how many animals such as cows, horses, pigs and chickens can be kept on a property. The Town Board and Plan Commission discussed whether any existing animals could be grandfathered in if such restrictions were adopted and whether there was any need to create regulations on this given the Town's rural nature. Pruitt noted that right-to-farm laws do exist to protect farmers from lawsuits for practicing agriculture. He added that the Town Board and Plan Commission should consider the best interests of the animal when

determining whether such regulations are necessary. McKinney noted that he normally informs anyone inquiring about this issue of the Town's ordinances regarding animal care and nuisances.

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

Resolution 2015-15 Appointing 2016-2017 Election Inspectors

McKinney noted that he would like to find at least three additional election inspectors for the November presidential election. Gruhn and Geschke both indicated their willingness to work as election inspectors. McKinney stated that he would need to verify whether elected or appointed officials are allowed to serve as election inspectors.

Motion (McMahon, Gruhn) to approve Resolution 2015-15 as presented, MC.

Resolution 2015-16 Establishing Posting Locations for Public Notifications

McKinney noted that a recent change in state law only requires municipalities to post notices at one physical location and on the municipal website. He added that the Town Board could require that notices be posted at more locations than the minimum. The Town Board opted to post notices on the Town's website, at the Union Grove Municipal Center and at Yorkville Elementary School.

Motion (McMahon, Gruhn) to approve Resolution 2015-16 as amended, MC.

Pay request #2 by Payne and Dolan for the 59th Drive and 69^h Drive paving and drainage projects

Motion (McMahon, Gruhn) to approve payment of Pay Request #2 to Payne and Dolan in the amount of \$9,008.12 for the 59th Drive and 69^h Drive paving and drainage projects, MC.

Application for a Special Event Permit submitted by Robert Pucci and the Take a Kid Hunting Foundation for the Union Grove Gun Show to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from 3:00 p.m. to 8:00 p.m. on Friday, May 20, 2016, from 9:00 a.m. to 5:00 p.m. on Saturday, May 21, 2016, from 9:00 a.m. to 3:00 p.m. on Sunday, May 22, 2016, from 3:00 p.m. to 8:00 p.m. on Friday, October 21, 2016, from 9:00 a.m. to 5:00 p.m. on Saturday, October 22, 2016, and from 9:00 a.m. to 3:00 p.m. on Sunday, October 23, 2016

Motion (McMahon, Gruhn) to grant a Special Event Permit to Robert Pucci and the Take a Kid Hunting Foundation for the Union Grove Gun Show to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from 3:00 p.m. to 8:00 p.m. on Friday, May 20, 2016, from 9:00 a.m. to 5:00 p.m. on Saturday, May 21, 2016, from 9:00 a.m. to 3:00 p.m. on Sunday, May 22, 2016, from 3:00 p.m. to 8:00 p.m. on Friday, October 21, 2016, from 9:00 a.m. to 5:00 p.m. on Saturday, October 22, 2016, and from 9:00 a.m. to 3:00 p.m. on Sunday, October 23, 2016, with no conditions, MC.

Application for a Special Event Permit submitted by Gordon Allen on behalf of the American Cancer Society for the Union Grove Relay for Life to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from 6:00 p.m. on Friday, June 3, 2016, to 10:00 a.m. on Saturday, June 4, 2016

Motion (McMahon, Gruhn) to grant a Special Event Permit to Gordon Allen on behalf of the American Cancer Society for the Union Grove Relay for Life to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from 6:00 p.m. on Friday, June 3, 2016, to 10:00 a.m. on Saturday, June 4, 2016, with no conditions, MC.

Reports

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

- That the citations issued against the owner of the property located at 1932 51st Drive were dismissed due to the recent passing of the property owner
- That he planned to investigate a complaint regarding junk storage on the property located at 18903 2 Mile Road
- That he believes that the writ of assistance issued for the property located at 17908 Old Yorkville Road has been appealed

McMahon requested that O'Brien investigate a complaint regarding junk storage on the property located at 18826 Washington Avenue (STH 20).

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

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

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

- That surveying work for the 2016 Grandview Parkway repaving project has been completed, adding that work on the engineering plans for this project will begin in January
- That the culvert rehabilitation project on 58th Road is ongoing, adding that he was not sure if the project would be completed yet in 2015

Yorkville Stormwater Utility District Report: Stephen Nelson noted that the district is requesting bids for the remainder of the vegetation-clearing project on the East Branch of the Root River Canal.

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

- That he and the Town's engineer and attorney met with Alan Jasperson regarding his proposed plat for the properties located at the intersection of North Colony Avenue (USH 45) and Washington Avenue (STH 20). He noted that there is lighting within and leading up to the roundabout and added that Jasperson spoke to the Wisconsin Department of Transportation about road access to Washington Avenue before the roundabout at that intersection was constructed.
- That the waste collection site staff is having difficulty handling some of the larger

televisions dropped off for disposal

- That he was contacted by the Village of Union Grove's public works director regarding whether the Town planned any road work on the portion of 58th Road shared with the Village. The Town Board opted to pursue no work on 58th Road in 2016.
- That he was asked to read several notes from the Town Board Chair regarding the pavement condition on 59th Drive north of Spring Street (CTH C) and the gravel shoulder on the east side of 67th Drive north of Durand Avenue (STH 11). He noted that the Town Board Chair did contact the Racine County Public Works Department to ask them to fix the larger potholes on 59th Drive and to request a quote for pulverizing and laying a thin layer of asphalt on that road in 2016. McKinney added that the Town is responsible for maintaining the shoulder on the east side of 67th Drive.
- That the joint Dover/Yorkville municipal court judge may leave office before the end of his term. He noted that Dover and Yorkville would need to appoint a replacement, who would serve through the end of the current term in 2017.

Other – Comments, questions and suggestions

Geschke asked whether the Town's Long Range Planning Committee should begin meeting again at least on an annual basis to address some of the issues that appear before the Town Board and to prepare for required updates to the Town's land use plan. McMahon discussed proposed legislation at the state level regarding property rights, contested case hearings and land planning. Dan Minton addressed the Town Board regarding speeding on Washington Avenue (STH 20) in front of the Yorkville Elementary School.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:41 p.m. The next scheduled Town Board meeting is Monday, December 28, 2015, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer