

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, FEBRUARY 8, 2016**

### 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 Jason Badtke, Dragan Radeta representing M&M Express, Duane Nicholson, Joan Rygiewicz, Dean Steger, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Code Enforcement Officer Terrence O'Brien, Clerk-Treasurer Michael McKinney and two other attendees.

### Approval of Minutes

***Motion (McMahon, Gruhn) to approve the January 25, 2016 Town Board meeting minutes as presented, MC.***

### Approval of Financial Reports

***Motion (McMahon, Gruhn) to approve the January 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 \$29,962.27, MC.***

### Approval of Stormwater Invoices

***Motion (McMahon, Gruhn) to approve payment of Stormwater invoices as presented in the amount of \$907.20, MC.***

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

**Public Hearing** – The Town Board and Plan Commission held a joint public hearing to hear public comment on a request submitted by Jason Badtke and Lindsey Rank for conditional use approval for the property located at 18324 Old Yorkville Road (Parcel ID # 018-03-21-05-058-010) in the A-2 (General Farming and Residential II) Zoning District to permit parking of one dump truck on the east side of the property and to replace a 15-foot by 20-foot (300 square feet) section of the east side of the existing barn on the east side of the property with a 25-foot

by 50-foot (1,250 square feet) addition to the barn in its place to accommodate indoor parking and storage of this vehicle

Hansen opened the public hearing at 6:03 p.m.

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

- Proposed use is parking of one dump truck (only for use by the applicant) on the east side of the property
- Proposed removal of a 15-foot by 20-foot (300 square feet) section of the east side of the existing barn on the east side of the property and construction of a 25-foot by 50-foot (1,250 square feet) addition to the barn in its place to accommodate indoor parking and storage of this vehicle. This proposed addition would have a setback of ten feet from the east property line, a peak height of 18'2", a light mounted on the south-facing exterior wall and a red and white exterior to match the existing barn. This addition is planned to be completed before the end of the year.
- Proposed removal of a 24-foot by 40-foot (960 square feet) shed on the east side of this property to the south of the proposed barn addition
- Parking of this vehicle would be on a gravel pad adjoining the driveway until the proposed addition is completed
- Typical use of this vehicle would be at 6:00 a.m. and 6:00 p.m., Monday through Friday, and at 6:00 a.m. and 1:00 p.m. on Saturdays
- This vehicle would not be backed in from or out onto the roadway
- No hauled materials would be stored on-site or in the bed of the vehicle while kept on-site

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

**Request submitted by Jason Badtke and Lindsey Rank for conditional use approval for the property located at 18324 Old Yorkville Road (Parcel ID # 018-03-21-05-058-010) in the A-2 (General Farming and Residential II) Zoning District to permit parking of one dump truck on the east side of the property and to replace a 15-foot by 20-foot (300 square feet) section of the east side of the existing barn on the east side of the property with a 25-foot by 50-foot (1,250 square feet) addition to the barn in its place to accommodate indoor parking and storage of this vehicle**

***Motion (Geschke, Nelson) to recommend approval of the request submitted by Jason Badtke and Lindsey Rank for conditional use approval for the property located at 18324 Old Yorkville Road (Parcel ID # 018-03-21-05-058-010) in the A-2 (General Farming and Residential II) Zoning District to permit parking of one dump truck on the east side of the property and to replace a 15-foot by 20-foot (300 square feet) section of the east side of the existing barn on the east side of the property with a 25-foot by 50-foot (1,250 square feet) addition to the barn in its place to accommodate indoor parking and storage of this vehicle, with no conditions, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Jason Badtke and Lindsey Rank for conditional use approval for the property located at 18324 Old Yorkville Road (Parcel ID # 018-03-21-05-058-010) in the A-2 (General Farming and Residential II) Zoning District to permit***

***parking of one dump truck on the east side of the property and to replace a 15-foot by 20-foot (300 square feet) section of the east side of the existing barn on the east side of the property with a 25-foot by 50-foot (1,250 square feet) addition to the barn in its place to accommodate indoor parking and storage of this vehicle, 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 Nicholson Revocable Living Trust (with Dragan Radeta/M&M Express as applicant) for conditional use approval for the property located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of the existing buildings and existing graveled area at this address with a truck terminal and freight yard facility accommodating 29 semi-truck/trailer combinations and eight cars and to include company equipment servicing and outside equipment storage

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

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

- Proposed use is occupancy of the existing buildings and existing graveled area at this address with a truck terminal, vehicle maintenance and freight yard facility accommodating both semi-truck/trailer combinations and cars
- Business to have approximately 36 full-time employees: 3 office staff; 3 maintenance staff; and 30 drivers
- Hours of operation would be 6:00 a.m. to 10:00 p.m., Monday through Saturday, for office staff and maintenance staff; drivers and emergency maintenance staff would have 24-hour access to this facility
- Vehicle maintenance would be performed on site, including oil and tire changes, engine repairs and other repairs as needed. Waste oil would be collected in 275-gallon containers and stored inside on spill containment pallets; the waste oil would be burned in a waste oil burner to heat the maintenance shop. Oil filters and used antifreeze would be processed by Moore Oil Company.
- Semi-trailers may be returned to the site with a full load
- Inspection and testing of the existing on-site holding tank
- Usage of existing exterior lighting fixtures with no new exterior lighting planned at this time
- Planned addition of an 8-foot x 8-foot (64-square foot) entrance sign
- No planned remodeling
- Some semi-truck/trailer combinations will return to the site on a daily basis, while others operate on an over-the-road basis

Radeta noted that he currently operates a trucking facility in Milwaukee, adding that his long-term plans for this parcel are to develop the entire parcel into a truck terminal and freight yard facility. Hansen stated that the only site plan that will be considered at this evening's meeting is that showing occupancy of the existing buildings and graveled area. He added that any large-scale development of this property would require plans addressing access from North Sylvania Avenue, wetland mitigation and stormwater management.

Discussion focused on whether the existing graveled area would be large enough to accommodate parking for 30 semi-truck/trailer combinations, whether semi traffic in to and out of this site, especially given the width of the existing access driveway, would have an impact on traffic patterns on North Sylvania Avenue and whether acceleration and deceleration lanes or widening of North Sylvania Avenue would be necessary if this operation expanded beyond its current scope. Madsen noted that widening the existing access driveway to 24 feet should be sufficient to provide access to and from the site for the use proposed, adding that the driveway may need to be widened further if this operation were expanded beyond its proposed footprint. He stated that the driveway cannot exceed 30 feet in width at the right-of-way line per Wisconsin Department of Transportation regulations.

Gruhn and McMahon both advised the applicant to contact the Wisconsin Department of Transportation to ensure that this proposal will have no negative impacts upon traffic on North Sylvania Avenue that would require mitigation. Hansen advised the applicant to take steps to ensure that no contamination occur on the site from vehicle maintenance or any other activity. Madsen recommended that the Town Board and Plan Commission allow the applicant to wait to widen the access driveway to this property in spring if they wish to approve this proposal.

Duane Nicholson, who currently owns the subject property, spoke in favor of the proposal. He noted that there is some space at the southeast corner of the current graveled area that is overgrown with vegetation but suitable for parking. He added that runoff issues were resolved on the property several years ago when stormwater drainage facilities were improved on the property immediately to the north. He stated that some water does back up but there is no longer any flooding.

Dean Steger spoke in favor of the proposal, adding that he favors development of this parcel.

Joan Rygiewicz spoke in favor of this proposal, adding that this parcel is due for development.

With no other comments forthcoming, Hansen closed the public hearing at 6:33 p.m.

**Request submitted by Nicholson Revocable Living Trust (with Dragan Radeta/M&M Express as applicant) for conditional use approval for the property located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of the existing buildings and existing graveled area at this address with a truck terminal and freight yard facility accommodating 29 semi-truck/trailer combinations and eight cars and to include company equipment servicing and outside equipment storage**

***Motion (Fink, Nelson) to recommend approval of the request submitted by Nicholson Revocable Living Trust (with Dragan Radeta/M&M Express as applicant) for conditional use approval for the property located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of the existing buildings and existing graveled area at this address with a truck terminal and freight yard facility accommodating semi-truck/trailer combinations and eight cars and to include company equipment servicing and outside equipment storage, with the following conditions:***

- ***That no more than 38 vehicles be permitted to park on the property at any time, with no more than 30 of those vehicles being semi-truck/trailer combinations;***
- ***That the applicant widen the existing driveway to the graveled parking area to a minimum width of 24 feet by May 1, 2016;***
- ***That all vehicles be parked upon a solid-surfaced area comprised of materials such as gravel or crushed asphalt;***
- ***That no unregistered, junked or scrapped vehicles or trailers be stored on the property, MC.***

***Motion (McMahon, Hansen) to accept the Plan Commission's recommendation and to approve the request submitted by Nicholson Revocable Living Trust (with Dragan Radeta/M&M Express as applicant) for conditional use approval for the property located at 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000) in the M-3 (Heavy Industrial) Zoning District to permit occupancy of the existing buildings and existing graveled area at this address with a truck terminal and freight yard facility accommodating semi-truck/trailer combinations and cars and to include company equipment servicing and outside equipment storage, with no additional conditions beyond that recommended by the Plan Commission, MC.***

**Revisions to Chapter 28 of the Town of Yorkville Code of Ordinances regarding land divisions and Chapter 27 of the Town of Yorkville Code of Ordinances regarding planning**

#### **Re-establishment of the Yorkville Long Range Planning Committee**

The Town Board and Plan Commission discussed a list of recommended updates to the Town's ordinances provided by the Town's attorney regarding land divisions and planning. Hansen stated that some of these updates are required by recent changes in state law. He recommended that the Town Board and Plan Commission review this proposal for discussion with the Town's attorney at their meeting in March. The Town Board and Plan Commission also discussed whether to re-establish the Yorkville Long Range Planning Committee.

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

#### **Pay request #1 submitted by The Wanasek Corporation for the 58<sup>th</sup> Road culvert extension project**

Madsen noted that this pay request covers most of the project except for the installation of new guardrails and any necessary finishing work.

***Motion (Hansen, Gruhn) to approve payment of Pay Request #1 to The Wanasek Corporation in the amount of \$31,853.50 for the 58<sup>th</sup> Road culvert extension project, MC.***

#### **Quotes for the remaining obstruction clearing work on the East Branch of the Root River Canal**

Stephen Nelson noted that the Yorkville Stormwater Utility District Commission received several quotes for this project and recommended approval of two quotes provided by

Grassman Services, Inc., for the remaining work on this project. He added that Grassman provided a quote of \$22,210.00 for work on several properties immediately to the south of Braun Road and \$5,900.00 for work on a property immediately to the north of Ives Grove Road.

***Motion (Hansen, McMahon) to approve two quotes submitted by Grassman Services, Inc., as presented for the following obstruction clearing work on the East Branch of the Root River Canal: Quote #1 in the amount of \$5,900.00 for work immediately to the north of Ives Grove Road and Quote #2 in the amount of \$22,210.00 for work immediately to the south of Braun Road, MC.***

**Application for a 2015-2016 annual Operator's License submitted by Ian Schaefer**

***Motion (Hansen, Gruhn) to grant a 2015-2016 annual Operator's License to Ian Schaefer, MC.***

**Scheduling of the 2016 annual Town road inspection**

***Motion (Hansen, McMahon) to schedule the 2016 annual Town road inspection on Wednesday, April 6, 2016, at 9:00 a.m., beginning at the Union Grove Municipal Center, 925 15<sup>th</sup> Avenue, MC.***

**Scheduling of the 2016 annual Board of Review**

McKinney noted that the Town's assessor recommended holding the Board of Review on Wednesday, June 29, 2016, from 5:00 p.m. to 7:00 p.m.

***Motion (Hansen, McMahon) to schedule the Town of Yorkville's Board of Review on Wednesday, June 29, 2016, from 5:00 p.m. to 7:00 p.m., MC.***

## **Reports**

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

- That he made contact with a resident attempting to license two pit bulls. He noted that one pit bull has been removed from the Town permanently and the second pit bull has been removed from the Town temporarily, adding that the second pit bull was incorrectly classified as a pit bull on its rabies vaccination certificate. He recommended that this dog be allowed to be licensed by the Town if a corrected rabies vaccination certificate is provided showing that the dog is not a pit bull, adding that he would follow up with the veterinarian issuing the corrected vaccination certificate once the Town receives it.
- That he is waiting for the weather to improve before conducting a site visit on the property located at 18826 Washington Avenue (STH 20) regarding storage there
- That he has followed up with the owner of the property located at 18903 2 Mile Road regarding the 30-day notice issued in December to remove items stored there

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

***Motion (Hansen, 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 design work continues on the proposed 2016 repaving of a portion of Grandview Parkway. He added that a bid opening for this project will be scheduled in mid-March. He noted that the project specifications will include coordination with local business owners to ensure that any disruption to their operations during this work will be minimized and replacement of several concrete curbs. McKinney noted that he could include information on this project with the quarterly commercial water and sewer billings sent out at the end of March.
- That the guardrails to be installed as part of the 58<sup>th</sup> Road culvert extension project will be slightly wider and much longer than the guardrails currently in place

**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 a primary election will be held on Tuesday, February 16
- That the Clean Sweep household hazardous waste disposal event that the Town is participating in will be held on Saturday, April 23, 2016, from 8:00 a.m. to 12:00 p.m., at the City of Burlington Public Works facility. He added that volunteers are still being sought for this event. He noted that this event is not open to businesses.
- That he was contacted with questions regarding the potential subdivision and development of a portion of an existing vacant parcel north of 904 South Sylvania Avenue as a parking area for a local business
- That the Town received an invoice for engineering services related to the Town Engineer's review of a proposed stormwater management plan for the property located at 19031 Spring Street (CTH C). Hansen noted that the Town did not require the property owner to reimburse the Town for these expenses at the time the site plan approval for this property was granted. The Town Board discussed whether the Town should cover some legal and engineering expenses as a cost of doing business. Madsen noted that it is standard to require the developer to reimburse municipalities for these expenses. The Town Board opted to cover the cost of these services rather than passing them on to the property owner and instructed McKinney to contact the property owner to inform them that any additional charges that stem from this review will be billed back to the property owner. The Town Board also instructed McKinney to write an agreement that requires future applicants to reimburse the Town for all accrued engineering and legal charges.

### **Other – Comments, questions and suggestions**

No comments, questions or suggestions were provided.

### **Adjournment**

**Motion (Gruhn, McMahon) to adjourn, MC.** The meeting was adjourned at 7:29 p.m. The next scheduled Town Board meeting is Monday, February 22, 2016, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*