

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, MARCH 14, 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 City of Racine Municipal Court Judge Mark Nielsen, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Christopher Geary, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the February 22, 2016 Town Board meeting minutes as presented, MC.

Approval of Financial Reports

Motion (McMahon, Gruhn) to approve the February 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 \$154,492.58 MC.

Approval of Stormwater Invoices

Motion (McMahon, Hansen) to approve payment of Stormwater invoices as presented in the amount of \$30,680.27 MC.

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

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

The Town Board and Plan Commission discussed a list of recommended updates provided by the Town's attorney to the Town's ordinances regarding land divisions and planning. Geary noted that some changes are necessary to bring the ordinances into compliance with

state law, while other changes would address policy decisions regarding what the ordinances should and should not permit. He added that all of these changes would require a public hearing before the Town Board and Plan Commission could act on them. After discussing this issue, the Town Board and Plan Commission opted to update the required changes as soon as possible and to address the remaining recommendations in the future.

Motion (Geschke, Nelson) to recommend that the Town's attorney draft ordinance changes for Town Board and Plan Commission review and approval that bring Chapter 28 of the Town of Yorkville Code of Ordinances regarding land divisions into compliance with Wisconsin State Statutes, MC.

Motion (Gruhn, McMahon) to accept the Plan Commission's recommendation and to instruct the Town's attorney draft ordinance changes for Town Board and Plan Commission review and approval that bring Chapter 28 of the Town of Yorkville Code of Ordinances regarding land divisions into compliance with Wisconsin State Statutes, MC.

Re-establishment of the Yorkville Long Range Planning Committee

The Town Board and Plan Commission discussed whether to re-establish the Yorkville Long Range Planning Committee. Discussion focused on establishing a nine-member committee and having the committee focus first on addressing the Town attorney's recommended land division ordinance updates that were discussed earlier this evening but were not included in the changes the Town Board and Plan Commission approved after that discussion. Hansen stated that he and McKinney would work on identifying suitable candidates to appoint to this committee.

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

Other – Comments, questions and suggestions

City of Racine Municipal Court judge Mark Nielsen discussed his candidacy for Racine County Circuit Court judge.

Consent for Representation by Pruitt, Ekes & Geary, S.C. in negotiations between the Town of Yorkville and the Racine Water Utility regarding the possible sale of the Yorkville Water Utility District

Authorization of the Yorkville Water Utility District Commission to enter into negotiations with the Racine Water Utility regarding the possible sale of the Yorkville Water Utility District

Hansen provided background on the Yorkville Water Utility District Commission's discussions related to the potential sale of the Yorkville Water Utility District to the Racine Water Utility. He noted that Racine would purchase the water tower and all mains twelve inches and larger, while all remaining infrastructure would be transferred to Racine at no additional cost to them. He added that the well itself would become the property of Racine County, as the County originally donated it to the water utility. He stated that most customers would see a reduction in their water bills, while the customers with the largest service laterals would see an increase in their bills. He added that Racine is interested in purchasing the

utility, as their plans include constructing a water tower near I-94 to serve customers on the west end of their service area.

McMahon noted that the Town would negotiate to keep the graphics on the water tower unchanged. Gruhn noted that this sale would require public meetings and a Town-wide referendum. Hansen added that the proceeds of this sale would be unrestricted and could be used for multiple purposes. He noted that Racine's water infrastructure ends on the east side of I-94, so a connecting line would only need to be run under the interstate. The Town Board and Plan Commission discussed various issues related to this sale, including whether water from Racine would be an improvement in cost and quality over what Yorkville provides, what impact this sale would have on development west of I-94, whether there are any guarantees that Racine's water charges would remain unchanged in the future and what charges would be incurred if a fire department would need to connect to a hydrant.

Motion (Hansen, Gruhn) to approve the Consent for Representation by Pruitt, Ekes & Geary, S.C. in negotiations between the Town of Yorkville and the Racine Water Utility regarding the possible sale of the Yorkville Water Utility District, MC.

Motion (Fink, Skewes) to recommend authorizing the Yorkville Water Utility District Commission to enter into negotiations with the Racine Water Utility regarding the possible sale of the Yorkville Water Utility District, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to authorize the Yorkville Water Utility District Commission to enter into negotiations with the Racine Water Utility regarding the possible sale of the Yorkville Water Utility District, MC.

Pre-Application Agreement for Site Plan, Rezoning, Conditional Use, Variance and/or Land Use Plan Amendment Applications

McKinney noted that this agreement would need to accompany site plan, rezoning, conditional use, variance and land use plan amendment applications and would require the applicant to reimburse the Town for any incurred legal, engineering and administrative expenses resulting from Town review of the application. He added that he has forwarded this agreement to the Town's attorney for review.

Motion (Gruhn, McMahon) to approve the Pre-Application Agreement for Site Plan, Rezoning, Conditional Use, Variance and/or Land Use Plan Amendment Applications, contingent upon review and approval by the Town's attorney, MC.

Wisconsin Humane Society Stray and Impound Animal Shelter Services Agreement Modification

McKinney noted that the modification provided by the Wisconsin Humane Society would bring this agreement into compliance with state law, which was recently changed to reduce the amount of time the Humane Society is required to board an animal before allowing it to be adopted or picked up.

Motion (Hansen, McMahon) to approve the Wisconsin Humane Society Stray and Impound Animal Shelter Services Agreement Modification as presented, MC.

Resolution 2016-03 Appointing 2016-2017 Election Inspectors

McKinney noted that he has identified three individuals that volunteered to serve as election inspectors.

Motion (McMahon, Gruhn) to approve Resolution 2016-03 as presented, MC.

Resolution 2016-04 Amending the Town of Yorkville's 2015 General Fund Annual Budget

McKinney noted that this resolution transfers funds from animal control expenses to waste disposal expenses to bring the waste collection budget into balance.

Motion (Hansen, Gruhn) to approve Resolution 2016-04 as presented, MC.

Reports

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

- That he met with the owner of the property located at 18826 Washington Avenue (STH 20) regarding the items stored there. He noted that the property owner agreed to clean the property up and added that he would conduct periodic site visits to ensure that the property is being cleaned up.
- That he met with the owner of the property located at 18903 2 Mile Road regarding the items stored there. He noted that he spoke to the son of the owner, who stated that the items were his and added that he would clean the site up. He added that he gave the owner an additional 30 days to clean up the site.
- That the Town received another complaint regarding horse riding on Braun Road. He noted that the Town has no authority to get involved in this issue.
- McMahon addressed the abandoned property located at 17908 Old Yorkville Road, including the boat and vehicle parts being stored there. The Town Board recommended that the Town's attorney contact the property owner on this issue as well as the condition of the home and the yard surrounding the home.

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 the remaining 58th Road culvert extension work will be completed soon
- That the bid opening for the 2016 repaving of a portion of Grandview Parkway is scheduled for next week Tuesday in the Town Board Room. The Town Board discussed the need to notify property owners located along this stretch of road well in advance of the project to give them time to adjust their operation schedules accordingly.

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 peacock was reported at large near the Woodland Waters subdivision. He noted that he provided the complainant with the contact information of the Town's animal control officer and added that the Wisconsin Humane Society would accept the bird if it was brought to them.
- That an application for rezoning, land use plan amendment and a conditional use permit has been submitted for the property located at 1818 South Colony Avenue (USH 45) and will be considered at the May 9, 2016 joint Town Board/Plan Commission meeting
- That an application for a conditional use permit has been received by Racine County for the property located at 1904 51st Drive and will likely be considered at the April 11, 2016 joint Town Board/Plan Commission meeting
- That the Town received a letter from Alan Jasperson regarding his request for a waiver of the Town's requirement that his proposal to create nine parcels out of six existing parcels located at the southeast corner of the Washington Avenue (STH 20) and North Colony Avenue (USH 45) roundabout be done via subdivision plat. The Town Board and Plan Commission discussed this request and instructed McKinney to contact Jasperson to inform him that he would need to pursue this reconfiguration via subdivision plat and that no waiver would be provided.

Other – Comments, questions and suggestions

Skewes updated the Town Board and Plan Commission on the Union Grove-Yorkville Fire Department's attempts to have a large pile of wood removed from the property located at 18917 Spring Street (CTH C). The Town Board and Plan Commission also discussed the boats stored on the property located at 1932 51st Drive. McKinney noted that the Town's attorney and Code Enforcement Officer planned to conduct a site visit at the property this spring.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:22 p.m. The next scheduled Town Board meeting is Monday, March 28, 2016, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer