

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, MAY 9, 2016**

### Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:01 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 and Barbara Geschke. Robert Root and Nathan Skewes were absent. Also present were Joan Rygiewicz, Jo Ann Halladay, Wisconsin State Representative Robin Vos, Mark Patzke, Dawn Patzke, Marvin Gleason, Karen Kristopeit, Dragan Radeta representing In Auto, Inc., Everett Willerth, Donna Willerth, Julie Burriss representing Lynch & Associates Engineering Consultants, LLC, Larry Strickland, Dan Iverson, Stormwater District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Code Enforcement Officer Terrence O'Brien, Clerk-Treasurer Michael McKinney and approximately seven other attendees.

### Approval of Minutes

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

### Approval of Financial Reports

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

### Approval of Town Invoices

***Motion (Gruhn, Hansen) to approve payment of Town invoices as presented in the amount of \$42,366.30, MC.***

### Approval of Stormwater Invoices

***Motion (McMahon, Gruhn) to approve payment of Stormwater invoices as presented in the amount of \$480.72, MC.***

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

**Holding Tank Agreement and Holding Tank Servicing Contract submitted by the Joan C. Rygiewicz Trust for 2232 North Sylvania Avenue (Parcel ID # 018-03-21-01-019-000)**

Rygiewicz noted that her existing septic system failed, adding that Racine County has required that she replace this system with a holding tank due to soil and drainage conditions on the property. She stated that the holding tank will be in excess of 4,000 gallons.

***Motion (Gruhn, McMahon) to approve the Holding Tank Agreement and Holding Tank Servicing Contract submitted by the Joan C. Rygiewicz Trust for 2232 North Sylvania Avenue (Parcel ID # 018-03-21-01-019-000), 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 Jo Ann Halladay for conditional use approval for the property located at 1904 51<sup>st</sup> Drive (Parcel ID # 018-03-21-23-004-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing site with an equine rescue and educational facility to provide care and shelter for neglected horses

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

Jo Ann Halladay 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 16-acre site with an equine rescue and educational facility to provide care and shelter for neglected horses, donkeys and mules; this facility is not intended to be used as a boarding stable or long-term sanctuary
- Facility may house up to (and potentially exceeding during large seizures) 20 equines, which does not include up to 16 additional equines kept by the applicant, lesson horses, or horses-in-training
- Run-in shelters with firm flooring would be used as a primary stable area. The facility currently has twelve stalls; additional temporary stalls can be brought in on an as-needed basis.
- Insect control to be implemented on-site by the applicant
- Manure processing to include spreading of manure on neighboring agricultural fields, storage of manure on the property at least 200 feet from all property lines when it cannot be spread on neighboring agricultural fields, and/or removal of manure off-site by a waste disposal provider when large amounts of manure are generated
- Installation of an approximately 600 linear foot (14,400 square foot) drainage swale and berm to the west and north of the existing paddock areas; the applicant is currently working with Racine County Land Conservation staff on the design of this swale and berm

Halladay noted that the organization operating this facility received 501(c)(3) status. She added that she will take additional steps to improve the property, including repairing and installing fencing and adding additional buildings. She noted that she has a veterinarian on-call for the equines kept at the facility. She stated that only her students and volunteers will be permitted to handle horses, adding that students and volunteers will be trained on how to properly handle horses. She noted that there is no set time frame on how long individual animals will be kept at the facility for rehabilitation. She stated that this facility may house cold- or hot-blooded horses based upon the needs of law enforcement, adding that registration papers will not be provided on any horses brought to her facility since they are seized animals.

Halladay stated that this facility will not be used to house seized chickens or goats. She noted that she currently has approximately ten volunteers working at the facility. She stated that the equines are evidence in law enforcement cases and their ownership status is not addressed until those cases are resolved. She added that the equines will be nursed back to health once they are reviewed by a veterinarian. She noted that the proposed berm and swale will prevent water from draining onto the paddock area and will drain water towards 51<sup>st</sup> Drive. Madsen noted that it would be acceptable if the applicant implemented the stormwater management plan as designed by Racine County Land Conservation.

Joan Rygiewicz spoke in favor of this request, stating that such a use serves a very important need in the community.

With no other comments forthcoming, Hansen closed the public hearing at 6:29 p.m.

**Request submitted by Jo Ann Halladay for conditional use approval for the property located at 1904 51<sup>st</sup> Drive (Parcel ID # 018-03-21-23-004-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing site with an equine rescue and educational facility to provide care and shelter for neglected horses**

***Motion (Fink, Nelson) to recommend approval of the request submitted by Jo Ann Halladay for conditional use approval for the property located at 1904 51<sup>st</sup> Drive (Parcel ID # 018-03-21-23-004-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing site with an equine rescue and educational facility to provide care and shelter for neglected horses, donkeys and mules, with no conditions, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Jo Ann Halladay for conditional use approval for the property located at 1904 51<sup>st</sup> Drive (Parcel ID # 018-03-21-23-004-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing site with an equine rescue and educational facility to provide care and shelter for neglected horses, donkeys and mules, with no conditions, MC.***

#### **Appearance by State Representative Robin Vos**

Vos addressed the Town Board regarding various legislative activities, including changes in prevailing wage, tax incremental financing and election laws. He also discussed the status of various transportation funding options.

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

#### **2435 53<sup>rd</sup> Drive drainage complaint**

Madsen noted that he conducted a site visit at the property, adding that the ponds installed on the outlot immediately to the south were not installed as originally proposed. He stated that the drain tile draining the west pond on this outlot, which is draining into the smallest pond on this outlot, appears to have collapsed, causing water to back up onto the neighboring property. He recommended that the existing tile be lowered by about 18 inches or that a swale is installed in its place. He added that the swale may need to extend onto the property to the north to be installed properly. Patzke stated that he would not object to a swale being extended onto his property. Pruitt noted that the swale was included as a requirement in the original stewardship plan, adding that the Town could make the necessary upgrades and charge the developer for the cost. Madsen stated that installing a swale would be the best option to resolve this issue.

***Motion (McMahon, Gruhn) to do the following: to follow the Town Engineer's recommendation that a drainage swale be installed to replace the existing drain tile between the ponds on the north outlot in the Stonecrest Shores subdivision; to instruct the Town's engineer to proceed with plans to have this drainage swale installed as soon as possible; to abide by existing developer notification requirements before proceeding with this project, MC.***

**Pre-application conference regarding a proposed division of the property located at 17806 Old Yorkville Road (Parcel ID # 018-03-21-04-046-000)**

Marvin Gleason and one other individual presented their plans to build homes on a 5- and a 15-acre lot that would be split from the existing 75-acre parcel at this address. Gleason stated that he planned to park a large truck on the 5-acre parcel once the pole barn and home are completed there. Hansen noted that this use would require conditional use permit approval from Racine County and from the Town. McKinney stated that the real estate agent involved in this proposal wanted to confirm that the remnant lot from these divisions did not need to be rectangular on the north end near the proposed lots. The Town Board and Plan Commission did not have any objections to this proposed land division.

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

**Land Disturbing Construction Activity Permit application submitted by In Auto, Inc. for 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000)**

Dragan Radeta appeared before the Town Board regarding this application. He provided updates on ongoing improvements he is making to the parking lot and buildings on the property. He added that the existing access driveway has been widened to 35 feet and that the brush between the existing buildings and North Sylvania Avenue has been removed. Radeta, Madsen and the Town Board discussed the proposed expansion of the graveled area included in this application. Hansen expressed concerns over the proposed expansion of the original parking area. Madsen noted that the disturbance that required this permit was from the applicant moving the surface of the existing graveled area onto the surrounding property, adding that this may have included the disturbance of wetlands. The Town Board discussed several recommendations regarding this application, including the following:

- That the applicant contact the Wisconsin Department of Natural Resources and the Army Corps of Engineers regarding having a wetland delineation done for the property, and that no additional soil disturbance take place until this delineation is completed
- That the applicant contact the Wisconsin Department of Natural Resources on whether a notice of intent must be filed based upon the work already completed
- That the footprint of the gravel area not be expanded beyond that depicted in the plan submitted with this application
- That the applicant be allowed to add gravel to the existing gravel area as necessary
- That the applicant contact Racine County to determine whether any additional approvals are required

Radeta also discussed drainage issues in the ditch along North Sylvania Avenue, adding that the culvert under his driveway does not appear to be draining properly. Madsen noted that the south end of the culvert looks like it needs to be lowered. The Town Board requested that McKinney contact the Wisconsin Department of Transportation about this issue. Radeta questioned whether wetland delineation was still necessary given that the proposed work has already been completed. Madsen noted that the Wisconsin Department of Natural Resources and the Army Corps of Engineers are responsible for wetland delineations and must still be contacted.

***Motion (McMahon, Gruhn) to approve the Land Disturbing Construction Activity Permit application submitted by In Auto, Inc. for 2300 North Sylvania Avenue (Parcel ID # 018-03-21-01-018-000), with no conditions, MC.***

**Pre-application conference regarding a proposed division of the property located at 2945 Forest View Circle (Parcel ID # 018-03-21-02-007-005)**

Everett Willerth appeared before the Town Board and Plan Commission regarding this proposal. He stated that this proposal would split the existing 3-acre residential parcel into two 1.5-acre parcels, adding that the newly-created vacant parcel would be used to build a home for their child. He noted that each parcel would have separate driveways, wells and mound systems. Madsen stated that this proposal would require that Willerth file a waiver request. Town Board and Plan Commission discussion focused on the fact that this proposed split is in an existing subdivision with lots as small as two acres with limited frontage in some cases. McMahon noted that the proposed parcels would be acceptable if they were part of a proposed subdivision. The Town Board and Plan Commission did not voice any significant objections to this proposal.

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

**Pre-application conference regarding a proposed division of the property located at 17808 58<sup>th</sup> Road (Parcel ID # 018-03-21-21-021-000)**

Julie Burris appeared before the Town Board and Plan Commission regarding this proposal. She noted that this proposed subdivision would split the existing 64-acre parcel into 12 residential parcels and a 37-acre outlot. She added that the parcels in this subdivision would all have individual driveway access to 58<sup>th</sup> Road or 67<sup>th</sup> Drive and would range in size from 1.03 to 7.38 acres. She noted that the existing farmstead would be on a 7.38-acre lot, which would provide easement access to the outlot. She stated that the outlot would include the existing pond on the property. She added that this outlot would be used primarily for agriculture and would be established as a conservation easement.

Pruitt noted that he was not sure if the Town requires that the outlot be held by the property owners. He added that the proposed outlot is approximately 5 acres short of the Town's current open space requirements. The Town Board and Plan Commission discussed several issues related to this request, including preservation of open space in a common area, concerns over increased vehicular traffic and driveway access, whether the proposed outlot is truly common space, whether this proposal preserves the rural appearance of the community, maintenance of the existing pond on the property, whether mound systems would be allowed on one-acre lots and whether the number of waivers required to approve such a plan would be appropriate. The Town Board and Plan Commission concurred that they would not support this plan as proposed.

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

**Pre-application conference regarding proposed development of the properties located at 14001 Washington Avenue (STH 20) (Parcel ID # 018-03-21-13-010-020) and 14015 Washington Avenue (STH 20) (Parcel ID # 018-03-21-13-014-020)**

Hansen noted that he met with the owner of these properties regarding potential development plans there. He added that these plans include the addition of a banquet facility to the rear of the existing bar and restaurant located at 14001 Washington Avenue (STH 20). Hansen stated that any additional parking areas for this development should be paved. The Town Board and Plan Commission requested more information on this proposal, including how the parking needs of such expansion would be satisfied.

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

**Public Hearing** – The Town Board and Plan Commission held a joint public hearing to hear public comment on Ordinance 2016-01 To Amend Certain Sections of Chapter 28, “Land Division,” of the Code of Ordinances for the Town of Yorkville to Reflect Recent Statutory Changes

Hansen opened the public hearing at 8:01 p.m.

With no comments forthcoming, Hansen closed the public hearing at 8:03 p.m.

**Ordinance 2016-01 To Amend Certain Sections of Chapter 28, “Land Division,” of the Code of Ordinances for the Town of Yorkville to Reflect Recent Statutory Changes**

Pruitt noted that the amendments included in this ordinance address recent statutory changes regarding time frames for filing certified survey maps and plats as well as bond and letter of credit requirements for plats.

***Motion (Gruhn, Geschke) to recommend approval of Ordinance 2016-01 as presented, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission’s recommendation and to approve Ordinance 2016-01 as presented, MC.***

**Ordinance 2016-02 To Create Section 46-106 of the Code of Ordinances for the Town of Yorkville Relating to the Recovery of Fees and Professional Service Costs**

McKinney noted that this ordinance authorizes the Town to enter into agreements with applicants for the recovery of fees and professional service costs accrued during the Town’s review of building permit, site plan, rezoning, conditional use, variance, land division, soil disturbance or other land development activity applications.

***Motion (McMahon, Gruhn) to approve Ordinance 2016-02 as presented, MC.***

**Request submitted by Brian and Diane Bloxdorf for shoreland contract approval for the property located at 18400 Walden Drive (Parcel ID # 018-03-21-05-010-102) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a 17-foot by 42-foot in-ground swimming pool with concrete surround and two patio areas within 1,000 feet of an unnamed pond**

McKinney noted that the Woodland Waters subdivision’s restrictive covenants requires that any pool application receive homeowner association approval. Pruitt stated that the applicant is responsible for submitting a pool permit application to the homeowner’s association for their review.

***Motion (Gruhn, McMahon) to approve the request submitted by Brian and Diane Bloxdorf for shoreland contract approval for the property located at 18400 Walden Drive (Parcel ID # 018-03-21-05-010-102) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a 17-foot by 42-foot in-ground swimming pool with concrete surround and two patio areas within 1,000 feet of an unnamed pond, with no conditions, MC.***

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

McKinney noted that he has been contacted by several individuals who expressed interest in serving on this committee. The Town Board and Plan Commission discussed the ideal size of

such a committee, noting that it should have seven to nine members. McMahon requested that McKinney contact Yorkville Elementary School to find a school board member interested in serving on this committee. Geschke stated that she is willing to serve on this committee.

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

### **Proposal for repaving the 59<sup>th</sup> Drive railroad crossing**

Hansen noted that a proposal was submitted by Asphalt Contractors, Inc., in the amount of \$7,525.00 for repaving of the approaches to the 59<sup>th</sup> Drive crossing over the existing railroad tracks. He added that the existing tracks are going to be removed and the existing crossing repaved at the same time. McKinney noted that this project should be completed next Monday.

***Motion (McMahon, Gruhn) to approve the proposal presented by Asphalt Contractors, Inc., in the amount of \$7,525.00 for repaving the approaches to the 59<sup>th</sup> Drive railroad crossing, MC.***

### **Reports**

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

- That he conducted a site visit at the property located at 18826 Washington Avenue (STH 20) regarding the items stored there. He noted that there appear to be no changes from his last site visit.
- That he conducted a site visit at the property located at 18903 2 Mile Road, adding that it appears that the property is being cleaned up

O'Brien, Pruitt, the Town Board and the Plan Commission discussed recent complaints regarding the items stored on the property located at 17806 Spring Street (CTH C). Pruitt stated that the Town can pursue several avenues, including a nuisance abatement order, a raze order to remove the existing barn, and/or additional citations. The Town Board requested that Pruitt's office follow up with the property owner on this issue. McMahon requested that O'Brien conduct a site visit on a property on 58<sup>th</sup> Road regarding items stored there.

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

***Motion (Hansen, McMahon) 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 58<sup>th</sup> Road culvert extension work has been completed
- That work on this year's Grandview Parkway repaving project has commenced
- That he researched a complaint regarding access to a driveway serving several properties between South Sylvania Avenue and Washington Avenue (STH 20) at the southwest corner of that intersection, noting that no evidence exists showing that the Town has control over access or use of that driveway and that no shared access agreement exists between the adjoining property owners

**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 Village of Union Grove will hold a public meeting at 6:30 p.m. on Wednesday, May 11, to provide more detail on the proposed conversion of the existing railroad right-of-way in Union Grove and Yorkville into a recreational trail
- That he received the results of the Town's biennial bridge inspections, noting that two bridges will now need to be inspected annually due to their condition
- That the Wisconsin Department of Transportation planned to reconstruct South Sylvania Avenue from Washington Avenue (STH 20) to County Line Road (CTH KR) in 2018
- That no intersection sign has ever been placed at the north intersection of Grandview Parkway and South Sylvania Avenue. He asked whether the Town Board felt it was necessary to have a sign installed there. The Town Board felt that it was not necessary to install an intersection sign there due to the existing signage at that intersection

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

Gruhn discussed the need to schedule informational meetings related to the Yorkville Water Utility District's negotiations with the Racine Water Utility regarding the potential sale of Yorkville's water utility. Madsen noted that he is currently providing information to the Racine Water Utility on their valuation of Yorkville's water utility.

#### **Adjournment**

***Motion (Fink, Nelson) to adjourn, MC.*** The meeting was adjourned at 8:47 p.m. The next scheduled Town Board meeting is Monday, May 23, 2016, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*