

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, AUGUST 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, Barbara Geschke and Nathan Skewes. Douglas Nelson and Robert Root were absent. Also present were Richard Rieth, Linda Rieth, Everett Willerth, Donna Willerth, Luke Baird, Jud Wyant, Kurt Poelman, Dona Poelman, Medhat Rizk, Hanan Rizk, William Jaeck, Caroline Wilmoth, Yorkville Stormwater Utility District Commission Chair Stephen Nelson, Attorney Elaine Ekes, Engineer Mark Madsen, Code Enforcement Officer Terrence O'Brien, Clerk-Treasurer Michael McKinney and one other attendee.

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

Code Enforcement at 17806 Spring Street (CTH C) Regarding the Storage of Junk and Rubbish and Building Code Violations

Ekes and the Town Board discussed the storage of junk and rubbish on the property and within the barn on the property, as well as the structural integrity of the barn. She stated that she would attempt to contact the property owner again regarding these issues and requested authorization from the Town Board to pursue an inspection warrant to gain access to the property with the code enforcement officer and the building inspector if her attempts to contact the property owner regarding these issues are unsuccessful.

Motion (McMahon, Gruhn) to instruct the Town's attorney to attempt to contact the property owner regarding these issues and to authorize the Town's attorney to pursue an inspection warrant for the property located at 17806 Spring Street (CTH C) regarding the storage of junk and rubbish on the property and the structural integrity of the existing barn on the property if attempts to contact the property owner are not successful, MC.

Request submitted by Richard and Linda Rieth for certified survey map approval for the property located at 1909 53rd Drive (Parcel ID # 018-03-21-11-001-000) in the A-2 (General Farming and Residential II) Zoning District to divide the existing 80.08-acre parcel at this address into a 3.01-acre parcel and a 76.49-acre remnant parcel, with a 33-foot wide (0.58-acre) right-of-way dedication for public road purposes being created along the entire road frontage of the proposed 3.01-acre parcel

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

- Proposed activity is division of the existing 80.08-acre parcel at this address into a 3.01-acre parcel and a 76.49-acre remnant parcel, with a 33-foot wide (0.58-acre) right-of-way dedication for public road purposes proposed along the entire road frontage of the proposed 3.01-acre parcel
- The proposed 3.01-acre parcel would be located at the corner of 50th Road and 53rd Drive and would include the existing residence and farm buildings
- The 76.49-acre remnant parcel would have a new residence constructed on it and would continue to be used for agricultural purposes

Linda Rieth stated that she and her husband planned to sell the smaller parcel and live in the proposed residence on the larger parcel, which would be constructed on the 53rd Drive side of the larger parcel.

Motion (Fink, Geschke) to recommend approval of the request submitted by Richard and Linda Rieth for certified survey map approval for the property located at 1909 53rd Drive (Parcel ID # 018-03-21-11-001-000) in the A-2 (General Farming and Residential II) Zoning District to divide the existing 80.08-acre parcel at this address into a 3.01-acre parcel and a 76.49-acre remnant parcel, with a 33-foot wide (0.58-acre) right-of-way dedication for public road purposes being created along the entire road frontage of the proposed 3.01-acre parcel, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Richard and Linda Rieth for certified survey map approval for the property located at 1909 53rd Drive (Parcel ID # 018-03-21-11-001-000) in the A-2 (General Farming and Residential II) Zoning District to divide the existing 80.08-acre parcel at this address into a 3.01-acre parcel and a 76.49-acre remnant parcel, with a 33-foot wide (0.58-acre) right-of-way dedication for public road purposes being created along the entire road frontage of the proposed 3.01-acre parcel, with no conditions, MC.

Request submitted by the Everett and Donna Willerth Trust for the following for the property located at 2945 Forest View Circle (Parcel ID # 018-03-21-02-007-005) in the R-2 (Suburban Residential (Unsewered)) Zoning District:

- To grant a waiver of Town of Yorkville Code of Ordinances Section 28-84(d)(2) regarding minimum lot size for both parcels, which requires that all parcels without municipal sewer access that are created by certified survey map be at least three acres in size;
- To grant a waiver of Town of Yorkville Code of Ordinances Section 28-84(d)(2) regarding road frontage for both parcels, which requires that all parcels without municipal sewer access that are created by certified survey map have at least 300 feet of road frontage as measured at the right-of-way line;
- To grant a waiver of Town of Yorkville Code of Ordinances Section 28-84(d)(3) regarding lot width-to-depth ratio for the east parcel, which does not allow the length of the side lot lines of the parcel to exceed the width of the parcel at the right-of-way line by more than a factor of 2.5:1;

- **To grant a waiver of Town of Yorkville Code of Ordinances Section 28-84(b)(1) regarding lot shape for both parcels, which requires that lots be approximately rectangular;**
- **To grant a waiver of Town of Yorkville Code of Ordinances Section 28-84 (e) regarding side lot lines for both parcels, which requires that side lot lines be at right angles to straight street lines or radial to curved street lines on which the lots face;**
- **To grant a waiver of previously approved lot sizes and/or subdivision densities from when the subdivision this property is located in was initially platted;**
- **To grant any other waivers as required based upon this proposal;**
- **To approve a certified survey map dividing the existing 3.1-acre parcel at this address into a 1.435-acre west parcel and a 1.665-acre east parcel within a previously platted subdivision**

Jud Wyant appeared before the Town Board and Plan Commission to discuss this application as a representative of the applicants. The following information was provided on the application:

- Proposed activity is division of the existing 3.1-acre parcel at this address into a 1.435-acre west parcel and a 1.665-acre east parcel within this previously platted subdivision
- The existing residence would be on the proposed east parcel
- A new residence would be constructed on the proposed west parcel

Wyant addressed the waivers that the Town would need to grant before this proposal could be approved, noting that most parcels in this subdivision would not be compliant with current ordinances given their size, shape or road frontage. Geschke stated that she is concerned over the irregularly-shaped property line proposed between the two proposed parcels. Wyant stated that this property line is irregularly shaped because it goes around the existing mound system on the property. He noted that this issue could be addressed through the creation of an easement, which would allow the applicants to straighten out that lot line.

Ekes stated that this subdivision was developed prior to the adoption of modern platting requirements, which allowed for the creation of lots that are substandard by the Town's current standards. She added that the road in this subdivision was deeded to the Town by way of metes and bounds description. She stated that the restrictive covenants were in effect for 30 years, until 2007, and may only be taken into account if they were extended by way of a deed restriction on the property. She recommended that the Town Board and Plan Commission state clear and justifiable reasons for waiving Town requirements if they opt to approve this request. She noted that approval of this request would increase the overall density of this subdivision and could encourage other similar requests within this same subdivision. She discussed the criteria the Town Board and Plan Commission must consider when taking action on a waiver request.

Kurt Poelman spoke in opposition to this request, noting that this proposal would impact the secluded feeling of his property. He also questioned whether this proposal would impact local drainage. He stated that the applicants could purchase an existing home in the area rather than having to build a new home. Hansen stated that drainage is an issue that would need to be addressed by the Town's engineer and building inspector.

Dona Poelman spoke in opposition to this request, expressing concerns over the impact this request would have on the density of this subdivision. She also voiced concerns over the precedent approval of this request would create, as well as the impact this division would have on the natural appearance of the subdivision. She questioned why the Town would have a minimum lot size requirement if they would be willing to waive it.

Medhat Rizk spoke in opposition to this request, expressing concern regarding the impact this proposal would have on the natural and secluded feel of the subdivision. He also expressed concerns over the precedent of approving this request as well as the impact a new home and new mound system would have on water quality. He stated that the applicants could purchase an existing lot in the area rather than having to create a new lot.

William Jaeck spoke in favor of this request, noting that this home would have a minimal impact on the entire subdivision. He added that he is in close proximity to his neighbors' homes and has never had any issues.

Stephen Nelson stated that he is more concerned with the requests that have been denied in the past, adding that it would be difficult to explain the rationale for approving this request to those applicants that have been denied in the past.

Caroline Wilmoth spoke in opposition to this request, noting that local wildlife would be impacted if this request was approved.

Hansen stated that the residents of this subdivision could work to reestablish new restrictive covenants or a subdivision homeowners association.

Wyant stated that the applicants would be willing to plant conifers along the westernmost property line to shield the view of the property from the west. Kurt Poelman questioned how many mature trees would need to be removed in order to plant these conifers. Gruhn questioned how many trees would be removed from the property. Everett Willerth stated that he did not know how many trees would be removed. He noted that one tree is already dead and added that they would not remove all the trees on the west side of the parcel. He stated that the distance from the proposed residence to the west property line would be 32 feet.

Ekes stated that it was not necessary to take a roll call vote on this request, adding that it would only be necessary to state the reasons for taking any action.

Geschke stated that there are several smaller properties within this subdivision. Fink stated that he could not support this proposal given the opposition of the neighbors as well as the consideration of those that have had requests denied in the past. McMahon stated that he could not support this proposal given the number of waivers that would be required to approve this request as well as the impact that this proposal would have on the rural feel of the town. Hansen stated that the Town Board and Plan Commission must take into consideration the impacts this request would have on the community and the residents in this subdivision. Gruhn noted that the Town Board and Plan Commission initially did not have any opposition to the concept as initially presented to them.

Everett Willerth questioned why the Town Board and Plan Commission opposed this request when they appeared to support it in the past. He stated that the Poelman's were initially favorable to this request when it was first proposed. Hansen stated that the Town Board and

Plan Commission must follow consistent rules when considering each request. Donna Willerth questioned how she and her husband would be made whole considering the money they invested in this project. Luke Baird noted that he contacted each resident in the neighborhood to get their signature in approval of this proposal. He added that the restrictive covenants for the subdivision could be reestablished once this proposal is approved.

Wyant requested that action on this request be delayed for a month or two to give the applicants time to work these issues out with their neighbors. The Town Board and Plan Commission discussed the establishment of a homeowner's association for this subdivision.

Motion (Geschke, Hansen) to table this agenda item at the request of the applicant for a period not to exceed two months, MC.

Approval of Minutes

Motion (Hansen, Gruhn) to approve the July 25, 2016 Town Board meeting minutes as presented, MC.

Approval of Financial Reports

Motion (McMahon, Gruhn) to approve the July 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 \$38,423.55, MC.

Approval of Stormwater Invoices

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices as presented in the amount of \$173.25, MC.

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

Resolution 2016-08 Appointing a 2016-2017 Election Inspector

Motion (McMahon, Hansen) to approve Resolution 2016-08 as presented, MC.

Mobile Home Parking Fee Management Software

McKinney requested permission from the Town Board to contact companies to inquire about software for managing mobile home parking fee records and payments. He noted that the one company he has contacted so far charges a start-up fee of \$120.00 and a monthly fee of \$75.00. The Town Board was not opposed to McKinney contacting companies regarding this type of software.

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

Applications for 2016-2017 annual Operator Licenses submitted by the following:

- **Barbara Allen**
- **Sarah Cook**

Motion (Gruhn, McMahon) to grant all listed 2016-2017 annual Operator licenses as presented, with no conditions, MC.

Pay Request #3 (Final) submitted by The Wanasek Corporation for the 58th Road Culvert Extension Project

Madsen stated that the remaining retainage from this project can now be released to the contractor.

Motion (McMahon, Hansen) to approve payment of Pay Request #3 (Final) to The Wanasek Corporation in the amount of \$1,250.00 for the 58th Road culvert extension project, MC.

Quotes for Snowplowing and Ice Control at the Town's Collection and Recycling Site

Hansen noted that the owner of Midwest Snow Control is retiring and would no longer be available to plow the collection and recycling site. The Town Board discussed various local options for future snow plowing and ice control services.

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

Reports

Code Enforcement Officer's Report: The Code Enforcement Officer was not present to provide his report to the Town Board.

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 noted that a new ditch has been installed on the north outlot in the Stonecrest Shores subdivision.

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 he was contacted regarding the release of the remaining \$50,000.00 letter of credit for the conservation easement in the Stonecrest Shores subdivision. He noted that he passed this request on to the Town's attorney.

- That milling and repaving of 10th Avenue is tentatively scheduled for Wednesday, August 17
- That the site plan application initially approved by the Town Board and Plan Commission on July 7 for the properties located at 14001, 14007 and 14015 Washington Avenue (STH 20), the vacant lot between 734 South Sylvania Avenue and 904 South Sylvania Avenue, and the vacant lot between 910 South Sylvania Avenue and 1300 Grandview Parkway was withdrawn from consideration by the Racine County Economic Development and Land Use Planning Committee at the request of the applicant. He added that the applicant submitted an amended application requesting a total of four events per year that will be considered by the Racine County Economic Development and Land Use Planning Committee on August 15. He added that this amended application will appear on the September 12 Town Board and Plan Commission meeting agenda.
- That a Rural Mutual Insurance Company representative will attend the August 22 Town Board meeting to discuss submitting a proposal for 2016-2017 property, liability and workers compensation insurance services

Other – Comments, questions and suggestions

The following was discussed by the Town Board and Plan Commission:

- A timeline for the planned road work on 59th Drive north of Spring Street (CTH C)
- An address sign at 1211 63rd Drive that was installed incorrectly. The Town Board planned to have this issue corrected when new address signs are installed this fall.
- The Racine County Planning and Development Services Department's response to reports of a second residence on the property located at 2222 53rd Drive. Discussion focused on whether to issue a letter in opposition to the lack of action taken by Racine County on this issue.
- The storage of used vehicles at the automobile dealership located at 1891 South Colony Avenue (USH 45)

Adjournment

Motion (Gruhn, McMahon) to adjourn, MC. The meeting was adjourned at 7:50 p.m. The next scheduled Town Board meeting is Monday, August 22, 2016, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer