

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
WEDNESDAY, OCTOBER 12, 2016**

Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:30 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 Scott Knutson, Angela Knutson, Mark Patzke, Dawn Patzke, Rory Johnson, Yorkville Stormwater Utility 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 September 21, 2016 and October 7, 2016 Town Board meeting minutes as presented, MC.

Approval of Financial Reports

Motion (McMahon, Gruhn) to approve the September 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 \$35,785.28, MC.

Approval of Stormwater Invoices

Motion (McMahon, Gruhn) to approve payment of Stormwater invoices as presented in the amount of \$125.00, MC.

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

Special Event Permit application submitted by Steve Koss on behalf of the Koss Family Foundation for the 1st Annual Fall Family Festival, to be held at Ironwood Chophouse, 20715 Durand Avenue (STH 11), from 2:00 p.m. to 8:00 p.m. on Saturday, October 22, 2016

Motion (McMahon, Gruhn) to grant a Special Event Permit to Steve Koss on behalf of the Koss Family Foundation for the 1st Annual Fall Family Festival, to be held at Ironwood Chophouse, 20715 Durand Avenue (STH 11), from 2:00 p.m. to 8:00 p.m. on Saturday, October 22, 2016, 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 Scott and Angela Knutson for conditional use approval for the property located at 2222 53rd Drive (Parcel ID # 018-03-21-02-012-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of an existing 36-foot by 54-foot (1,944-square foot) pole barn built prior to January 1, 2000 with a setback of approximately 575 feet from 53rd Drive with an off-season storage facility for recreational vehicles, including snowmobiles, off-road vehicles, boats and trailers

Hansen opened the public hearing at 6:34 p.m.

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

- Proposed activity is occupancy of an existing 36-foot by 54-foot (1,944-square foot) pole barn built prior to January 1, 2000, with a setback of approximately 575 feet from 53rd Drive, with an off-season storage facility for recreational vehicles, including snowmobiles, off-road vehicles, boats and trailers, with storage only open to friends and family
- Proposed hours of operation would be on an appointment basis only
- No employees would work on-site
- Screening of this building would be provided by the existing trees on the property

Mark Patzke and Rory Johnson both spoke and stated that they have no objections to this proposal.

With no other comments forthcoming, Hansen closed the public hearing at 6:37 p.m.

Request submitted by Scott and Angela Knutson for conditional use approval for the property located at 2222 53rd Drive (Parcel ID # 018-03-21-02-012-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of an existing 36-foot by 54-foot (1,944-square foot) pole barn built prior to January 1, 2000 with a setback of approximately 575 feet from 53rd Drive with an off-season storage facility for recreational vehicles, including snowmobiles, off-road vehicles, boats and trailers

The Town Board discussed the importance of following the conditions of approval for this proposal that were established by Racine County's Economic Development and Land Use Planning Committee. McMahon noted that there were several passages in the Racine County Public Works and Development Services Department's approval letter for this application, dated September 20, 2016, that refer to the Town of Raymond instead of the Town of Yorkville. He requested that these errors be corrected.

Motion (Fink, Nelson) to recommend approval of the request submitted by Scott and Angela Knutson for conditional use approval for the property located at 2222 53rd Drive (Parcel ID # 018-03-21-02-012-000) in the A-2 (General Farming and Residential II)

Zoning District to permit occupancy of an existing 36-foot by 54-foot (1,944-square foot) pole barn built prior to January 1, 2000 with a setback of approximately 575 feet from 53rd Drive with an off-season storage facility for recreational vehicles, including snowmobiles, off-road vehicles, boats and trailers, with the following conditions:

- **That the Town's legal review expenses for this application in the amount of \$108.50 be reimbursed by the applicant**
- **That all references to the Town of Raymond in the Racine County Public Works and Development Services Department approval letter for this application, dated September 20, 2016, be changed to the Town of Yorkville, MC.**

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Scott and Angela Knutson for conditional use approval for the property located at 2222 53rd Drive (Parcel ID # 018-03-21-02-012-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of an existing 36-foot by 54-foot (1,944-square foot) pole barn built prior to January 1, 2000 with a setback of approximately 575 feet from 53rd Drive with an off-season storage facility for recreational vehicles, including snowmobiles, off-road vehicles, boats and trailers, with no additional conditions beyond those recommended by the Plan Commission, MC.

Request from John Fonk for drainage improvements on the east side of 69th Drive along the property located at 5025 69th Drive

Madsen stated that he met with Fonk regarding the ditch on the east side of 69th Drive, adding that both slopes of that ditch appear to be a little steep and could have their slopes reduced. McKinney noted that the Town's insurance agent informed him that most incidents that could occur if Fonk was allowed to complete this work would be covered under his homeowner's policy, adding that both the Town's insurance agent and attorney recommended that the Town require a bond from Fonk to cover any damage to the roadway or to correct any work not completed to the Town's satisfaction. The Town Board also discussed the need to have Fonk sign an agreement with the Town holding the Town harmless if any property damage or injury occurs as the result of allowing Fonk to do this work.

Motion (McMahon, Gruhn) to do the following:

- **To allow the proposed improvements to be completed by John Fonk upon satisfaction of the following conditions:**
 - **That John Fonk sign an agreement with the Town holding the Town harmless if any property damage or injury occurs as the result of allowing Mr. Fonk to do this work**
 - **That John Fonk provide a \$5,000.00 bond to the Town in a form approved by the Town's attorney**
 - **That John Fonk provide a valid certificate of homeowner's insurance for this property to the Town to cover any property damage or injury that occurs as the result of allowing Mr. Fonk to do this work**
- **To require that future requests of a similar nature be brought before the Town Board and Plan Commission for approval, and that any applicants shall be**

required to execute a hold harmless agreement and provide a \$5,000.00 bond and valid certificate of homeowner's insurance for the property where the work is proposed to be done, MC.

Braun Road speed limit

The Town Board discussed the data collected by the speed trailer placed on Braun Road by the Racine County Sheriff's Department in late September and early October, which indicated that approximately 88% of drivers drive at or below Braun Road's 55-mile-per-hour speed limit. The Town Board also discussed a publication which states that, excluding any other factors, the speed limit for a road should be set at the speed at which 85% of drivers drive at or below. O'Brien felt that some traffic at night travels too fast for Braun Road. McMahon noted that the Town should consider changing the speed limit on the Town's portion of Braun Road to match the 45-mile-per-hour speed limit set for Braun Road in Mount Pleasant. The Town Board and Plan Commission also discussed whether the speed limit change on 58th Road to 45 miles per hour was appropriate. McMahon requested that the Town Board revisit this issue after the west half of Braun Road is repaved in 2017 and asked that the Town contact the homeowners who petitioned the Town Board for a speed limit change to make them aware of the Town's plans.

Motion (McMahon, Hansen) to send a letter to all property owners on Braun Road that signed the petition requesting a lower speed limit on Braun Road to make them aware that the Town will have a speed trailer placed on Braun Road again in one year to measure speed patterns after the west half of Braun Road is repaved in 2017, MC.

Request submitted by Newbrook Homes, Inc. for shoreland contract approval for the property located at 18600 Walden Drive (Parcel ID # 018-03-21-05-010-108) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a single family residence with an attached garage, full basement, covered front porch and uncovered deck within 1,000 feet of an un-named navigable pond

Madsen made several recommendations related to this application, which included the following:

- That silt fencing be installed along the limits of disturbance to contain sediment runoff
- That a 10'-wide by 50'-long gravel access driveway be installed to the property, with a minimum 6" depth of gravel that is 2" to 3" in diameter
- That a 15"-diameter culvert with endwalls be installed in the ditch line under the gravel access driveway
- That the plans provided be updated to show the 100-year floodplain and secondary environmental corridors, as well as any restrictions based upon the same
- That the applicant confirm that no sanitary sewer easements enter the property
- That the plans provided be updated to show whether there is any exposure on the rear of the house (basement) and that any runoff created by allowing for an exposed basement (any slopes created by an exposed basement) will have no impact on any secondary environmental corridors
- That the plans provided be updated to show the limits of backfill on the property

Hansen requested that the recommendation regarding the access driveway width be amended to require that a 12'-wide access driveway be installed.

Motion (Fink, Nelson) to recommend approval of the request submitted by Newbrook Homes, Inc. for shoreland contract approval for the property located at 18600 Walden Drive (Parcel ID # 018-03-21-05-010-108) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a single family residence with an attached garage, full basement, covered front porch and uncovered deck within 1,000 feet of an un-named navigable pond, with the following conditions:

- ***That silt fencing be installed along the limits of disturbance to contain sediment runoff***
- ***That a 12'-wide by 50'-long gravel access driveway be installed to the property, with a minimum 6" depth of gravel that is 2" to 3" in diameter***
- ***That a 15"-diameter culvert with endwalls be installed in the ditch line under the gravel access driveway***
- ***That the plans provided be updated to show the 100-year floodplain and secondary environmental corridors, as well as any restrictions based upon the same***
- ***That the applicant confirm that no sanitary sewer easements enter the property***
- ***That the plans provided be updated to show whether there is any exposure on the rear of the house (basement) and that any runoff created by allowing for an exposed basement (any slopes created by an exposed basement) will have no impact on any secondary environmental corridors***
- ***That the plans provided be updated to show the limits of backfill on the property, MC.***

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the request submitted by Newbrook Homes, Inc. for shoreland contract approval for the property located at 18600 Walden Drive (Parcel ID # 018-03-21-05-010-108) in the C-2 (Upland Resource Conservation) Zoning District to permit construction of a single family residence with an attached garage, full basement, covered front porch and uncovered deck within 1,000 feet of an un-named navigable pond, with no additional conditions beyond those recommended by the Plan Commission, MC.

Application for a 2016-2017 annual Operator's License submitted by Benjamin Donovan

Motion (McMahon, Gruhn) to grant a 2016-2017 annual Operator's License to Benjamin Donovan, MC.

2017 Town General Fund annual budget

McKinney provided an updated draft of the 2017 Town General Fund annual budget to the Town Board. He noted that this draft included the updates requested at the October 7 budget workshop as well as updated revenues for exempt computer aids and transportation aids.

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

2017 Stormwater Utility District Fund annual budget

Yorkville Stormwater Utility District Commission Chair Stephen Nelson discussed the 2017 Stormwater Utility District Fund annual budget. He noted that the cleanup work on the East Branch of the Root River Canal is essentially complete, adding that more may be spent on vegetation spraying in 2017. He stated that the 2017 budget does not include any prepayments on the utility's outstanding debt.

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

Resolution No. 2016-10 Appointing A 2016-2017 Election Inspector

Motion (Hansen, McMahan) to approve Resolution No. 2016-10 as presented, MC.

2016 City of Racine Belle Urban System Bus Service Agreement

McKinney noted that the annual cost of this agreement increased in 2016 to \$6,900.00 from \$6,600.00 in 2015.

Motion (Gruhn, McMahan) to approve the 2016 City of Racine Belle Urban System Bus Service Agreement as presented, MC.

2017 Wisconsin Humane Society Stray and Impound Animal Shelter Services Agreement

McKinney noted that the annual cost of this agreement would decrease in 2017 to \$3,356.52 from \$3,662.60 in 2016.

Motion (McMahan, Gruhn) to approve the 2017 Wisconsin Humane Society Stray and Impound Animal Shelter Services Agreement as presented, MC.

Proposal and Contract submitted by Patrick W. Romenesko for the 2016 Financial Audit of the Town General Fund, Sewer Utility District Fund, Water Utility District Fund and Stormwater Utility District Fund

McKinney noted that the following changes were made to the annual cost of this agreement:

- Town General Fund, with an increase of \$50.00 to \$3,700.00 for the 2016 audit
- Sewer Utility District Fund, with an increase of \$50.00 to \$2,950.00 for the 2016 audit
- Water Utility District Fund, with an increase of \$50.00 to \$3,350.00 for the 2016 audit
- Stormwater Utility District Fund, no change from the \$1,100.00 charged for the 2015 audit

Motion (McMahan, Gruhn) to approve the proposal and contract submitted by Patrick W. Romenesko as presented for the 2016 financial audit of the Town General Fund, Sewer Utility District Fund, Water Utility District Fund and Stormwater Utility District Fund, MC.

Stray Animal Collection and Transport Officer Employment Agreement Amendment

McKinney noted that there are separate agreements for Gina Kiedrowski and Paige Kiedrowski. He added that each agreement was amended to include a payment of \$50.00 for each employee for calls where the employee responds but the call is cancelled before the employee arrives on site.

Motion (McMahon, Gruhn) to approve the Stray Animal Collection and Transport Officer Employment Agreement amendments as presented for Gina Kiedrowski and Paige Kiedrowski, MC.

Proposed 2017 East and West Frontage Road reconstruction detour routes

McKinney noted that the proposed detour routes would use the frontage road on the opposite side of I-94 as a detour for the frontage road currently undergoing reconstruction.

Motion (Hansen, McMahon) to approve the proposed 2017 East and West Frontage Road reconstruction detour routes as presented, MC.

Proposed Collection and Recycling Site television and electronics collection sign

The Town Board discussed a proposed sign at the collection and recycling site making residents aware of the Town's plans to end the collection of televisions and electronics at the site, effective January 1, 2017.

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

Code enforcement regarding the storage of junk and rubbish and building code violations on various properties within the Town of Yorkville

O'Brien, the Town Board and the Plan Commission discussed a list received by the Town alleging code violations on various properties within the Town. O'Brien stated that he planned to investigate the properties included on that list.

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

Reports

Code Enforcement Officer's Report: O'Brien noted that he had no information to report to the Town Board.

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

McMahon noted that several changes are planned at the state level regarding how building permit applications can be completed and how building permits are reported to the state. The Town Board discussed whether these changes would require an amendment to the building inspector's current contract.

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 he planned to recommend the release of the remaining retainage for this summer's Grandview Parkway repaving project
- That the Town received a complaint regarding damage to a private sprinkler system within the Town's right-of-way during this summer's Grandview Parkway repaving project. He noted that there is no liability on the Town's part for damage caused to any private facilities installed in the Town's right-of-way without the Town's knowledge or consent.
- That fieldwork was completed related to a drainage complaint for a property located on North Sylvania Avenue. He noted that the driveway culvert installed there appears to have been installed several inches too high by the Wisconsin Department of Transportation contractor responsible for the project. He added that drainage would continue to be an issue on this property regardless of whether the culvert is lowered. He stated that there should be a stormwater management system for the entire area. He added that he planned to contact the Wisconsin Department of Transportation to request that they correct this issue.

Yorkville Stormwater Utility District Report: Stephen Nelson noted that the Stormwater Utility District is still waiting to receive an invoice for work completed last fall.

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

- That in-office absentee voting for the November 8, 2016 fall general election begins on Monday
- That he was contacted by a potential occupant of the vacant restaurant and bar located at 904 South Sylvania Avenue, adding that the individual that contacted him also planned to apply for an alcohol license for this facility
- That he contacted the Wisconsin Department of Transportation (DOT), who informed him that it is the responsibility of the municipality to remove and replace road and address signs during road projects, even in cases that do not involve work on roadways under the Town's jurisdiction. He recommended that the Town contact the Racine County Highway Department before such projects begin to request that they remove and replace the signs on the Town's behalf.

Other – Comments, questions and suggestions

Hansen noted that Plan Commissioner Robert Root contacted him to inform him that Root planned to resign from his position on the Plan Commission. McMahon requested that Root submit a formal letter of resignation to the Town.

Adjournment

Motion (Gruhn, McMahon) to adjourn, MC. The meeting was adjourned at 7:45 p.m. The next scheduled Town Board meeting is Monday, October 24, 2016, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer