

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JUNE 12, 2017**

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, Douglas Nelson and Robbie Funk. Gary Fink, Barbara Geschke and Nathan Skewes were absent. Also present were Don Menhorn representing Stericycle, Andrew Baer and Andrew Hagen representing Storage Authority, Mark Mickelson representing Short Elliott Hendrickson, William Teunas representing Freeway Auto Salvage, Al Gruenwald representing Daniels SharpSMART, Yorkville Stormwater Utility District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Clerk-Treasurer Michael McKinney and one unidentified attendee.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the May 22, 2017 and May 24, 2017 Town Board meeting minutes as presented, MC.

Approval of Financial Reports

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

Approval of Town Invoices

Motion (McMahon, Hansen) to approve payment of Town invoices as presented in the amount of \$110,278.55, MC.

Approval of Stormwater Invoices

Hansen noted that no Stormwater invoices were presented for payment.

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

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

Public Hearing – The Town Board held a public hearing to hear public comment on an application submitted by Daniels SharpSMART, Inc. for a 2017-2018 Solid Waste Disposal, Storage or Treatment Permit to operate a regulated medical waste treatment facility utilizing

Autoclave (steam sterilization treatment) technology at 1340 Grandview Parkway (Parcel ID # 018-03-21-13-029-070) in the M-3 (Heavy Industrial) Zoning District

Hansen opened the public hearing at 6:04 p.m.

No one appeared before the Town Board to discuss this application.

With no comments forthcoming, Hansen closed the public hearing at 6:06 p.m.

Public Hearing – The Town Board held a public hearing to hear public comment on an application submitted by Stericycle, Inc. for a 2017-2018 Solid Waste Disposal, Storage or Treatment Permit to operate a regulated medical waste treatment facility utilizing Electro-Thermal Deactivation (shredding and thermal inactivation by use of low frequency radio waves) technology at 14035 Leetsbir Road (Parcel ID #'s 018-03-21-24-002-130 and 018-03-21-24-002-120) in the M-3 (Heavy Industrial) Zoning District

Hansen opened the public hearing at 6:06 p.m.

Don Menhorn appeared before the Town Board to discuss this application. He noted that the Wisconsin Department of Natural Resources conducted an inspection at Stericycle's facility a few weeks ago.

With no other comments forthcoming, Hansen closed the public hearing at 6:08 p.m.

License and permit applications for the period of July 1, 2017, through June 30, 2018

- **Stericycle, Inc., 14035 Leetsbir Road**
 - **Solid Waste Disposal, Storage or Treatment Permit**

Motion (McMahon, Gruhn) to grant a Solid Waste Disposal, Storage or Treatment Permit to Stericycle, Inc., 14035 Leetsbir Road, with no conditions, MC.

- **Apple Holler, 5006 South Sylvania Avenue (Agent: A. David Flannery) (Premises: Restaurant, Gift Shop, Orchard Market, Barn/Café and Wooded Picnic Areas)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Connor Flannery**
 - **Elyse Flannery**
 - **Vicki Flannery**
 - **Liselotte Schacht**
 - **Mark Styve**

Motion (McMahon, Gruhn) to grant all licenses applied for by Apple Holler, 5006 South Sylvania Avenue, with no conditions, MC.

- **Citgo Auto Truck Plaza, 611 South Sylvania Avenue (Agent: Robert Basil) (Premises: Truck Stop)**
 - **Class "B" Beer License**
 - **Operator Licenses**

- Sean Albrecht
- Steven Basil
- Ryan Burch
- Christine Garvey
- Jovan Jackson
- Justin Langenfeld
- Jerome Michel
- Ryan Nelson
- Matt Strasser
- Jonathan Witek
- Cigarette License
- Gaming Machine License (5 video gaming + 2 miscellaneous)

Motion (Gruhn, McMahon) to grant all licenses applied for by Citgo Auto Truck Plaza, 611 South Sylvania Avenue, with no conditions, MC.

- **Country Mart, 1920 South Colony Avenue (USH 45) (Agent: Chris Gorman) (Premises: Retail Store)**
 - **Combination Class A Beer and Liquor License**
 - **Operator Licenses**
 - **Manjeet Singh**
 - **Cigarette License**

Motion (McMahon, Gruhn) to grant all licenses applied for by Country Mart, 1920 South Colony Avenue (USH 45), with no conditions, MC.

- **Country Rose Bakery and Café, 19319 Washington Avenue (STH 20) (Agent: Rita Zadurski) (Premises: Bakery and Café)**
 - **Class “B” Beer License**
 - **Operator Licenses**
 - **Rosalie Laketa**

Motion (Gruhn, McMahon) to grant all licenses applied for by Country Rose Bakery and Café, 19319 Washington Avenue (STH 20), with no conditions, MC.

- **Fairway Café/Ives Grove Golf Links, 14101 Washington Avenue (STH 20) (Agent: Peter James Eitel) (Premises: Clubhouse, Pavilion and Beverage Cart)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Candace Baas**
 - **Veronica Chiapete**
 - **Nancy Eitel**
 - **Irene Hernandez**
 - **Patricia Kempken**
 - **Rebecca Kocha**
 - **Megan Kuroski**
 - **Brette Logic**
 - **Paige Murdoch**
 - **Danielle Seitz**

- Natalie Seitz
- Carley Thomas
- Cigarette License

Motion (McMahon, Gruhn) to grant all licenses applied for by Fairway Café/Ives Grove Golf Links, 14101 Washington Avenue (STH 20), with no conditions, MC.

- **Highlands Petro, 717 South Sylvania Avenue (Agent: Shari Erskine) (Premises: Travel Store, Iron Skillet and Southwest Corner of Parking Lot [Auto Side])**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - Lorie DeGuire
 - Erica Eggert
 - Mary Hoegsted
 - Nakia Hudson
 - Mia Irish
 - Jeanne Klinkhammer
 - Jennifer Lunceford
 - Jana Martino
 - Caryn Niesen
 - Julie Paulaski
 - Jose Ramirez
 - Jennifer Risch
 - Stella Teschner
 - Myron Tucker
 - Elizabeth Woods
 - **Cigarette License**
 - **Gaming Machine License (5 video gaming + 15 miscellaneous)**

Motion (Gruhn, McMahon) to grant all licenses applied for by Highlands Petro, 717 South Sylvania Avenue, with no conditions, MC.

- **Ironwood Saloon, 20715 Durand Avenue (STH 11) (Agent: John Kurt) (Premises: Entire Building including Patio Areas)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - Barbara Allen
 - Terri Fox
 - Tara Friar
 - Kylie Jost
 - Shannon Kinney
 - Amanda Kurt
 - Cassandra Kurt
 - Lonni Kurt
 - Rebecca Kurt
 - Heather Ladwig
 - Stephanie Moczynski
 - Bethany Shelton
 - **Class B Dance Hall License**

- Gaming Machine License (5 video gaming + 2 miscellaneous)

Motion (McMahon, Gruhn) to grant all licenses applied for by Ironwood Saloon, 20715 Durand Avenue (STH 11), with no conditions, MC.

- Racine Instinctive Bowmen, 14403 50th Road (Agent: Thomas A. Peterson) (Premises: Clubhouse and Pavilion)
 - Combination Class B Beer and Liquor License
 - Operator Licenses
 - Michael Bartol
 - Daniel Gruhn
 - Larry Radcliff

Motion (Gruhn, McMahon) to grant all licenses applied for by Racine Instinctive Bowmen, 14403 50th Road, with no conditions, MC.

- Route 20, 14001 Washington Avenue (STH 20) (Agent: Ray Stibeck) (Premises: Restaurant and Bar)
 - Combination Class B Beer and Liquor License
 - Operator Licenses
 - Ashley Krenzke
 - Rochelle Marino
 - Rachel McNutt
 - Kimberly Parrett
 - Robin Robbins
 - Rachel Smith
 - Gaming Machine License (5 video gaming + 3 miscellaneous)
 - Class A Dance Hall License
 - Annual Special Event Permit

Motion (McMahon, Gruhn) to grant all licenses and permits applied for by Route 20, 14001 Washington Avenue (STH 20), with no conditions, MC.

- Wisconsin Sportsman's Association, 16010 Durand Avenue (STH 11) (Agent: Gerald Werner) (Premises: Clubhouse)
 - Class "B" Beer License
 - Shooting Facility License

Motion (Gruhn, McMahon) to grant all licenses applied for by Wisconsin Sportsman's Association, 16010 Durand Avenue (STH 11), with no conditions, MC.

- Rick and Janice Fonk (Harvest View Estates), 15941 Durand Avenue
 - Mobile Home Park License

Motion (McMahon, Gruhn) to grant a Mobile Home Park License to Rick and Janice Fonk (Harvest View Estates), 15941 Durand Avenue, with no conditions, MC.

- **Konstantinos Gianakakis (Esmonds Motel), 4900 South Colony Avenue (USH 45)**
 - **Hotel/Motel License**

Motion (Gruhn, McMahan) to grant a Hotel/Motel License to Konstantinos Gianakakis (Esmonds Motel), 4900 South Colony Avenue (USH 45), with no conditions, MC.

- **Global Hotels, Inc., 910 South Sylvania Avenue**
 - **Hotel/Motel License**

Motion (McMahan, Gruhn) to grant a Hotel/Motel License to Global Hotels, Inc., 910 South Sylvania Avenue, with no conditions, MC.

- **Ciro Gabriel Vargas (Travelers Inn/Home Run Heaven), 14017 Durand Avenue (STH 11)**
 - **Hotel/Motel License**

Motion (Gruhn, McMahan) to grant a Hotel/Motel License to Ciro Gabriel Vargas (Travelers Inn/Home Run Heaven), 14017 Durand Avenue (STH 11), with no conditions, MC.

- **William V. Teunas (Freeway Auto Salvage, Inc.), 2118 North Sylvania Avenue**
 - **Junk or Auto Salvage Facility License**

Motion (McMahan, Gruhn) to grant a Junk or Auto Salvage Facility License to William V. Teunas (Freeway Auto Salvage, Inc.), 2118 North Sylvania Avenue, with no conditions, MC.

Public Hearing – The Town Board held a public hearing to hear public comment on proposed special assessments for storm water-related improvements on Parcel ID # 018-03-21-20-020-001, with an address of 19031 Spring Street (CTH C), for the benefit of various properties in the immediate vicinity located within the Town of Yorkville, Racine County, Wisconsin

Hansen opened the public hearing at 6:22 p.m.

Andrew Baer spoke in favor of this proposal.

Pruitt noted that the existing stormwater pond on this property was established by the Town as a public project in 1999, with the neighboring benefiting property owners connecting to this pond at that time. He stated that the current owner of this property continues development of the property, which required the establishment of a water quality feature within the existing pond. He noted that the proposed assessment is intended to finance the installation of this water quality feature in the form of a wet cell, adding that neighboring property owners would only be required to pay their share of this assessment when they pursue any type of development on their property, such as constructing new buildings or expanding parking areas or driveways. He stated that it would be more cost effective for property owners to connect to this proposed water quality feature than it would be for them to install one on their own property.

Madsen noted that new regulations require that a water quality feature must be installed on a property once the cumulative level of soil disturbance on that property reaches one acre. He stated that he determined the proposed assessment for all properties except for the Christman property to the south end of this drainage area using an industrial/commercial runoff factor. He added that he used a low-density residential runoff factor to determine the proposed assessment for the Christman property, in accordance with the long-term land use plans for that property. He noted that the overall cost of this project to be included in this proposed assessment, including construction and professional expenses, is estimated to be \$56,000.

The Town Board discussed creating a sunset clause for these proposed assessments, as well as the interest rate that would be charged against any deferred assessments. Hansen stated that the Christman property to the south will likely never be developed and will remain agricultural. Pruitt stated that any property owner can avoid their assessment by creating their own water quality feature rather than connecting to the proposed wet cell.

With no other comments forthcoming, Hansen closed the public hearing at 6:39 p.m.

Proposed special assessments for storm water-related improvements on Parcel ID # 018-03-21-20-020-001, with an address of 19031 Spring Street (CTH C), for the benefit of various properties in the immediate vicinity located within the Town of Yorkville, Racine County, Wisconsin

Pruitt noted that action on this agenda item would not be final approval but would instead approve the general concept and authorize him to create a final resolution for Town Board consideration before moving ahead with the proposed public improvements and special assessments. He added that this final resolution would include language establishing a 20-year right of recovery, requiring that the project be publically bid, requiring that the cost of this project be paid up front by the property owner of the property where the improvements would be made and requiring that assessments be triggered immediately upon any development of a parcel.

Motion (McMahon, Hansen) to proceed with the proposed storm water-related improvements and the proposed special assessments for said improvements on Parcel ID # 018-03-21-20-020-001, with an address of 19031 Spring Street (CTH C), for the benefit of various properties in the immediate vicinity located within the Town of Yorkville, Racine County, Wisconsin, and to instruct the Town's attorney to draft a final resolution to that effect, MC.

James Peterson Sons, Inc. asphalt and concrete recycling operation for the Colony Avenue (USH 45) reconstruction project on the parcel located at 18917 Spring Street (CTH C) (Parcel ID # 018-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts

McMahon noted that there has been no cleanup activity at this site since approval of this request was granted on May 8. The Town Board discussed whether to send a letter to Peterson requesting that they adhere to the condition of their approval that this site be completely cleared before any aspect of this operation is allowed to begin. The Town Board also discussed what course of action could be taken if this cleanup is not completed, such as issuing citations or rescinding the original approval.

Motion (McMahon, Gruhn) to instruct the Clerk-Treasurer to contact the Town's attorney to request that he draft a letter to send to James Peterson Sons, Inc. regarding the lack of progress in cleaning up this site, as was required in the approval granted to James Peterson Sons, Inc. on May 8, 2017, MC.

Resolution No. 2017-06 Prohibiting the disposal of commercial tires at the Town of Yorkville's waste and recycling collection site, 19040 Spring Street (CTH C)

Motion (McMahon, Gruhn) to approve Resolution No. 2017-06 as presented, second later withdrawn by Gruhn, motion failed due to lack of a second.

The Town Board discussed the increase in the number of large tires, such as tractor tires, being disposed of at the Town's collection site and whether their disposal should be prohibited given that the collection site is only open to residential uses and not commercial uses. Hansen questioned whether it would be better to continue to provide this service to residents and have residents pay for the disposal of tires or to ban the disposal of tires at the collection site entirely. He noted that he asked Kevin Whitley to find out if there were any local facilities that would accept large tires.

McMahon questioned whether any small-scale agricultural operations would have large tires to dispose of or if large tires would only come from large-scale agricultural operations. Hansen questioned whether it was necessary to continue with the Town's current policy of allowing residents to dispose of up to four tires per month, adding that this number could be reduced to save money. He stated that the Town should provide advance notice to residents in the newsletter before any changes to the tire disposal policy are implemented. He requested more information on how other municipalities handle tire disposal. McKinney stated that he would contact Andrew Naber from ASDA to have him attend a Town Board meeting to discuss these issues.

Motion (Hansen, Gruhn) to table Resolution No. 2017-06, MC.

Address sign removal during the Colony Avenue (USH 45) reconstruction project

McKinney noted that the Wisconsin Department of Transportation requested that these signs be removed during the duration of this project so they do not interfere with the progress of the reconstruction. He stated that he planned to have these signs removed by the Racine County Highway Department when the project is slated to begin, with the signs stored at Racine County's facilities. He noted that the Racine County Sheriff's Department requested that these signs be moved back an additional fifty feet from the road so that they are still up and visible to emergency personnel during the course of the project. The Town Board opted to have the Racine County Highway Department remove the signs and store them during the duration of the project.

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

Payment to the Racine County Treasurer for 2015 and 2016 double property tax assessments against the property owned by SBA Structures, Inc., located at 611 South Sylvania Avenue (Parcel ID # 018-03-21-12-025-001)

McKinney noted that this payment is being requested by the Town's assessor to reimburse the Racine County Treasurer for the double assessment of this property in 2015 and 2016. He stated that this property was assessed in 2015 and 2016 by the Wisconsin Department of Revenue's Telco program and by the Town, adding that the property should have only been assessed by the Telco program. He noted that these payments also include the property's 2015 and 2016 stormwater assessments. He added that the Wisconsin Department of Revenue told him that the property owner is still responsible for paying these stormwater assessments but noted that the Town can only charge the stormwater assessment for 2016 to the 2017 tax bill for this property.

Motion (Hansen, Gruhn) to approve payment to the Racine County Treasurer in the amount of \$1,587.94 for 2015 and in the amount of \$1,517.97 for 2016 for double property tax assessments against the property owned by SBA Structures, Inc., located at 611 South Sylvania Avenue (Parcel ID # 018-03-21-12-025-001), MC.

Motion (Gruhn, McMahon) to instruct the Clerk-Treasurer to place the uncollected stormwater charge for 2016 in the amount of \$26.00 upon the 2017 property tax bill for the property owned by SBA Structures, Inc., located at 611 South Sylvania Avenue (Parcel ID # 018-03-21-12-025-001), MC.

WE Energies request for relocation of the streetlight located at the intersection of Leetsbir Road and South Sylvania Avenue

McKinney noted that WE Energies is requesting the Town's permission to relocate the streetlight located at the intersection of Leetsbir Road and South Sylvania Avenue at a cost of \$397.00. He added that while this light needs to be relocated because of the upcoming South Sylvania Avenue reconstruction project, WE Energies is requesting permission from the Town to complete this work because the light belongs to the Town. He noted that WE Energies did not plan to submit any additional streetlight relocation requests for this project.

Motion (Gruhn, Hansen) to approve the WE Energies request for relocation of the streetlight located at the intersection of Leetsbir Road and South Sylvania Avenue at a cost of \$397.00, MC.

Proposed amendments to the 2017-2020 Transportation Improvement Program (TIP) for Southeastern Wisconsin

McKinney noted that he received this request from the Southeastern Wisconsin Regional Planning Commission, adding that the intent is to amend the Transportation Improvement Program to include rehabilitation of the Interstate 94 bridges over Washington Avenue (STH 20) and the Spring Street (CTH C) bridge over Interstate 94.

Motion (Hansen, Gruhn) to approve the proposed amendments to the 2017-2020 Transportation Improvement Program (TIP) for Southeastern Wisconsin as presented, MC.

Quote from Glassen Technology Solutions for replacing two office computers

McKinney noted that this quote, in the amount of \$2,796.08, covers replacement of the Town's front counter desktop computer and laptop computer. He added that this expenditure was included in the Town's 2017 budget.

Motion (Hansen, McMahon) to accept the quote in the amount of \$2,796.08 as presented by Glassen Technology Solutions for replacing two office computers, MC.

License and permit applications for the period of July 1, 2017, through June 30, 2018

- **Daniels Sharpsmart, Inc., 1340 Grandview Parkway**
 - **Solid Waste Disposal, Storage or Treatment Permit**

Al Gruenwald appeared before the Town Board to discuss this application. Hansen noted that the Sewer Utility District Commission recommended at their meeting on May 16 that the Town Board approve this application with the condition that any venting and/or exhaust piping at this facility be extended an additional twenty feet in the air to diffuse any odors coming from this facility before the odors impact neighboring property owners. Gruenwald stated that the venting and/or exhaust piping would be extended into the air to satisfy this condition.

Motion (McMahon, Gruhn) to accept the Sewer Utility District Commission's recommendation and to grant a Solid Waste Disposal, Storage or Treatment Permit to Daniels Sharpsmart, Inc., 1340 Grandview Parkway, with the condition that any venting and/or exhaust piping be extended an additional twenty feet in the air, MC.

Reports

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 shouldering is currently being done along the recently repaved portions of Braun Road and 53rd Drive
- That Maurice Drive was repaved this past Saturday
- That the Wisconsin Department of Transportation will repair a damaged and buried drain tile and drain tile inlet and manhole along North Sylvania Avenue, adding that this will not be completed until work begins on reconstruction of the Durand Avenue (STH 11)/Interstate 94 interchange
- That a culvert failed on 65th Drive near 2 Mile Road, adding that the two 30-inch culverts at that location will be replaced by the Racine County Highway Department with a 42-inch arched culvert with the same capacity
- That the Wisconsin Department of Transportation will permit the proposed road leading to proposed properties located at the southeast corner of the North Colony Avenue (USH

45) and Washington Avenue (STH 20) roundabout to access Washington Avenue (STH 20) closer to that roundabout than previously permitted

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 following may appear on the July 10 joint Town Board/Plan Commission agenda:
 - A site plan request for 19031 Spring Street (CTH C)
 - A site plan request for 19101 Spring Street (CTH C) and 2209 South Colony Avenue (USH 45)
- That updates to the Town's sex offender ordinances will be considered at the June 26 Town Board meeting
- That he will not be required to give a deposition in a lawsuit involving the acquisition of land by the Wisconsin Department of Transportation at the intersection of Spring Street (CTH C) and South Colony Avenue (USH 45) for the roundabout planned at that intersection
- That he was contacted by a potential occupant of the vacant bar and restaurant located at 904 South Sylvania Avenue
- That he was contacted by the Wisconsin Department of Transportation regarding potential improvements to the Durand Avenue (STH 11)/Interstate 94 interchange, including replacing the existing Interstate 94 bridges over 58th Road with an embankment. The Town Board requested that a Wisconsin Department of Transportation representative attend the July 10 joint Town Board/Plan Commission meeting to discuss this project further.
- That he was contacted about a potential division of two unconnected properties with one parcel ID number at 3708 Gehrand Court
- That the Racine County Planning and Development Services Department is following up on a complaint regarding commercial uses on the property located at 16922 58th Road
- That homeowners in the Stonecrest Shores subdivision met this past weekend to review the progress of improvements to the conservation easement areas within the subdivision
- That he received a report on the progress of improvements to the conservation easement areas within the Woodland Waters subdivision
- That he will be on vacation for three days at the end of this week

Other – Comments, questions and suggestions

No comments, questions or suggestions were provided.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:44 p.m. The next scheduled Town Board meeting is Monday, June 26, 2017, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer