

## MINUTES

**TOWN OF YORKVILLE  
JOINT TOWN BOARD/PLAN COMMISSION  
TOWN BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, AUGUST 14, 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, Gary Fink, Douglas Nelson, Barbara Geschke and Robbie Funk. Nathan Skewes was absent. Also present were Nick Willkomm representing Pine Haven Enterprises, Mark Mickelson representing Short Elliott Hendrickson, John Kurt representing Wildwood Holdings, Jim Fox, Steve Scheurman, Arthur Harrington and Joseph Nicks representing Godfrey & Kahn, Engineer Mark Madsen, Attorney Tim Pruitt and Clerk-Treasurer Michael McKinney.

### Approval of Minutes

*Motion (Gruhn, McMahon) to approve the July 24, 2017 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 \$63,601.18, MC.*

### Approval of Stormwater Invoices

*Motion (McMahon, Gruhn) to approve payment of Stormwater invoices as presented in the amount of \$229.50, MC.*

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

Site plan application submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 018-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts for a two-year extension of an existing conditional use permit to continue a non-metallic (clay) mining operation on this parcel

Nick Willkomm appeared before the Town Board and Plan Commission to discuss this application. He stated that he is requesting a two-year extension of an existing conditional use permit to continue a non-metallic (clay) mining operation on this parcel, with no changes from the prior approval provided in 2015. He noted that he removes a few thousand square yards of clay per year from this site, adding that this site likely contains at least ten more years of clay within it.

***Motion (Fink, Geschke) to recommend approval of the site plan application submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 018-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts for a two-year extension of an existing conditional use permit to continue a non-metallic (clay) mining operation on this parcel, with no conditions, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the site plan application submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 018-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts for a two-year extension of an existing conditional use permit to continue a non-metallic (clay) mining operation on this parcel, with no conditions, MC.***

**Site plan application submitted by Storage Authority/MABKGPNB, LLC (with Brian Depies as agent) for the parcel located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to permit construction of an additional seven storage buildings at this address**

Mark Mickelson appeared before the Town Board and Plan Commission to discuss this application. He noted that the applicant would like to move ahead on plans to construct buildings #5 and #6 this fall, prior to completion of the proposed stormwater improvements on this site. Pruitt recommended that Madsen compile the project plans and bid document for the proposed stormwater improvements on this site and have the bid advertisement for this project published in the newspaper. Madsen stated that he should be able to get this information completed in a few weeks.

Madsen stated that the updated drainage plans submitted to the Town for this project included some work on the neighboring property to the east located at 18917 Spring Street (CTH C). Mickelson stated that this work was proposed to create a gentler slope from the property to the east to the existing stormwater basin on the subject property. Madsen noted that this work should be included in the project plans and bid document for the proposed stormwater improvements on this site. He recommended that the applicant provide a letter to the Town from the owner of the property located at 18917 Spring Street (CTH C) that authorizes the applicant to grade soil onto said property on the periphery of this expansion for the purposes of improving stormwater drainage.

Pruitt discussed the easement document submitted to him by Short Elliott Hendrickson, adding that this document covers the existing stormwater basin and any regional stormwater infrastructure leading into the basin. He noted that this easement will allow the Town to clean out this basin if necessary and charge the cost of the work back to benefiting property

owners. He added that he still needs to complete the language to be included with the easement for recording with the Racine County Register of Deeds.

***Motion (Fink, Nelson) to recommend final approval of the site plan application submitted by Storage Authority/MABKGPNB, LLC (with Brian Depies as agent) for the parcel located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to permit construction of an additional seven storage buildings at this address, with the following conditions:***

- ***That the Town's engineer proceed with compiling project plans and planning a bid notice and bid document for public improvements to the existing stormwater basin on the property;***
- ***That the applicant provide a letter to the Town from the owner of the property located at 18917 Spring Street (CTH C) that authorizes the applicant to grade soil onto said property on the periphery of this expansion for the purposes of improving stormwater drainage;***
- ***That the Town's attorney prepare a final stormwater easement document based upon the easement information provided by the applicant for recording with the Racine County Register of Deeds;***
- ***That the applicant be allowed to proceed with the permitting and construction of the two storage buildings on the southwestern corner of this site (buildings #5 and #6) prior to the start of improvements to the existing stormwater basin on the property, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to grant final approval of the site plan application submitted by Storage Authority/MABKGPNB, LLC (with Brian Depies as agent) for the parcel located at 19031 Spring Street (CTH C) (Parcel ID # 018-03-21-20-020-001) in the B-3 (Commercial Service) Zoning District to permit construction of an additional seven storage buildings at this address, with no additional conditions beyond those recommended by the Plan Commission, MC.***

**Public Hearing** - The Town Board and Plan Commission will hold a joint public hearing to hear public comment on a conditional use application submitted by Wildwood Holdings, LLC (with John Kurt as applicant/agent) for the property located at 20917 White Ash Road (Parcel ID # 018-03-21-31-018-015) in the B-3 (Commercial Service) Zoning District to permit construction of a new 60-foot by 120-foot (7,200-square foot) four-unit, multi-tenant building on the existing vacant lot at this address

Hansen opened the public hearing at 6:16 p.m.

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

- Proposed activity is construction of a new 60-foot by 120-foot (7,200-square foot) four-unit, multi-tenant building on the existing vacant lot at this address
- Said building would be a wood-frame, metal building, rustic red in color with charcoal trim and wainscoting
- Said building would have a peak height of 26 feet and an eave height of 16 feet

- Said building would have four overhead doors and four standard doors on the east side of the building and four standard doors on the west side of the building
- Each unit within said building would be approximately 30 feet by 60 feet (1,800 square feet) in size and would include warehouse and shop space as well as designated sanitary facilities
- A minimum of four employees would work at this building, depending upon occupancy
- Said building would be serviced by a private holding tank and a well
- Parking lot of said building would abut to parking facilities of the adjacent building to the east
- Hours of operation for occupants of said building would be 6:00 a.m. to 10:00 p.m., Monday through Sunday
- Construction of said building would begin in late 2017 and end in early 2018

Kurt stated that he has been contacted by one potential tenant who may be interested in renting half of the space in this building once it is completed. He questioned whether occupants could use the facility outside of the hours of operation provided with this request. Pruitt stated that the applicant would need to adhere to the hours of operation as approved and added that business-specific hours or conditions could be included with approval of this request.

With no other comments forthcoming, Hansen closed the public hearing at 6:27 p.m.

**Conditional use application submitted by Wildwood Holdings, LLC (with John Kurt as applicant/agent) for the property located at 20917 White Ash Road (Parcel ID # 018-03-21-31-018-015) in the B-3 (Commercial Service) Zoning District to permit construction of a new 60-foot by 120-foot (7,200-square foot) four-unit, multi-tenant building on the existing vacant lot at this address**

Madsen stated that he reviewed the site plan provided to the Town for this proposed development, adding that the proposed building will have a partially exposed west foundation wall to protect the existing drainage easement on the west side of the building. He noted that he found the submitted plans to be acceptable.

***Motion (Geschke, Funk) to recommend approval of the conditional use application submitted by Wildwood Holdings, LLC (with John Kurt as applicant/agent) for the property located at 20917 White Ash Road (Parcel ID # 018-03-21-31-018-015) in the B-3 (Commercial Service) Zoning District to permit construction of a new 60-foot by 120-foot (7,200-square foot) four-unit, multi-tenant building on the existing vacant lot at this address, with no conditions, MC.***

***Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Wildwood Holdings, LLC (with John Kurt as applicant/agent) for the property located at 20917 White Ash Road (Parcel ID # 018-03-21-31-018-015) in the B-3 (Commercial Service) Zoning District to permit construction of a new 60-foot by 120-foot (7,200-square foot) four-unit, multi-tenant building on the existing vacant lot at this address, with no conditions, MC.***

**Washington Avenue (STH 20) to South Sylvania Avenue cross-access easement issues**

Pruitt noted that this cross-access easement exists for the benefit of all abutting property owners with access to the easement. He added that his office recommends that no portion of this easement be allowed to be closed or blocked by any property owner with access to the easement for any purpose. He stated that the Wisconsin Departments of Transportation and Administration may also have some interest in what happens to this easement, given that it connects two state highway rights-of-way. He added that language contained within the easement document requires that all abutting property owners proportionally share the expenses related to maintaining this access easement.

***Motion (McMahon, Gruhn) to instruct the Town's attorney to draft a letter to send to the occupant of the property located at 14001 Washington Avenue (STH 20) regarding their concerns about access and maintenance issues related to the Washington Avenue (STH 20) to South Sylvania Avenue cross-access easement, MC.***

**Pay request No. 3 (Final) submitted by Payne & Dolan, Inc. in the amount of \$69,595.55 for the Braun Road, 53<sup>rd</sup> Drive and Maurice Drive paving and drainage project**

Madsen noted that some additional ditch work has yet to be completed on the west side of Maurice Drive to improve drainage there.

***Motion (McMahon, Gruhn) to approve payment of Pay Request No. 3 (Final) submitted by Payne & Dolan, Inc. in the amount of \$69,595.55 for the Braun Road, 53<sup>rd</sup> Drive and Maurice Drive paving and drainage project, MC.***

**Scheduling annual tire collection events at the Town's waste and recycling collection site, 19040 Spring Street (CTH C)**

The Town Board discussed the scheduling of annual tire collection events at the Town's waste and recycling collection site, located at 19040 Spring Street (CTH C). They agreed that ASDA should hold tire collection events in conjunction with the electronics collection events scheduled in the Town every spring and fall. They also agreed that ASDA should collect the disposal fees for all tires at such events. They requested that McKinney include notice of these tire collection events in the Town's spring and fall newsletters. They agreed that these tire collection events should begin in spring of 2018. They discussed whether local automotive service businesses could be used by residents as an alternative tire disposal option. McMahon suggested that the Town contact ASDA to find out how much they would charge residents for tire disposal at tire collection events.

***Motion (McMahon, Hansen) to table this agenda item until the September 11, 2017 joint Town Board/Plan Commission meeting and to instruct McKinney to contact ASDA to inquire about tire disposal pricing for annual tire collection events, MC.***

**65<sup>th</sup> Drive speed limit**

Hansen noted that he was contacted by a resident that lives on 65<sup>th</sup> Drive with a request to lower the speed limit on that road. The Town Board discussed a potential reduction of the speed limit on that road to 45 miles per hour and requested that McKinney request speed study proposals for 65<sup>th</sup> Drive from engineering firms that specialize in speed studies.

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

## Reports

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

***Motion (Gruhn, 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:

- He asked whether the Town Board has determined which road reconstruction projects they would like to proceed with in 2018
- That he investigated a report of a large hole in the ditch on the east side of 67<sup>th</sup> Drive to the south of 58<sup>th</sup> Road. He noted that this hole appears to be the result of surface and subsurface erosion leading into a drain tile in the ditch line. McMahon noted that there was another drain tile to the north that was damaged and repaired by the utility company making improvements in the area. Hansen stated that he would contact Willkomm Excavating and Grading to request that they look at this issue to determine what could be done to repair it.
- That he questioned who should be responsible for ensuring that the community private on-site wastewater treatment system in the Stonecrest Shores subdivision is properly maintained

**Yorkville Stormwater Utility District Report:** The Yorkville Stormwater Utility District Commission Chair was not present to provide his report to the Town Board.

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

- That the Stonecrest Shores subdivision conservation easement plan of action that the Town Board had originally planned to discuss at the July 10 joint Town Board/Plan Commission meeting has been delayed until the August 28 Town Board meeting due to delays in getting the plan put together and approved
- That he was contacted about a potential certified survey map application for the properties located at 2430 Queens Brook Lane and 2435 53<sup>rd</sup> Drive
- That he was contacted about a potential division of the property located at 3708 Gehrand Court. He stated that the property owner planned to split this parcel for estate planning purposes to match a deed that was originally recorded with the Racine County Register of Deeds for part of the parcel in 1990. He added that since each proposed division of this parcel was at least 15 acres in size, the property owner was not required to receive certified survey map approval from the Town for the division. Madsen noted that he recommended that the property owner record this split with the Racine County Register of Deeds by way of a plat of survey.
- That a fitness equipment manufacturer is planning to relocate to the facility located at 1333 Grandview Parkway. He noted that this proposed use would require site plan approval by the Racine County Economic Development and Land Use Planning Committee and the Town Board and Plan Commission. He added that he spoke to the Town's water and sewer utility manager about this proposed use.

- That a real estate developer contacted him about a potential buyer for the vacant parcel located to the south of the parcel located at 910 South Sylvania Avenue. He added that he made the Town's water and sewer utility manager aware of this proposed use.
- That Plank Road (CTH A) is closed beginning today for reconstruction of the bridge over the West Branch of the Root River Canal by Racine County

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

Gruhn discussed an agreement between property owners in the Deer Haven subdivision and the owner of the property to the north located at 14403 50<sup>th</sup> Road regarding a fence installed between those properties which was intended to protect the properties in the Deer Haven subdivision from stray arrows from the north. She noted that the fence is in disrepair, adding that it is the responsibility of the homeowners to the south to maintain. Discussion focused on whether this fence could be declared a safety hazard or whether there was a public interest in ensuring that this fence be properly maintained. The Town Board recommended that the Code Enforcement Officer investigate this issue further.

McMahon stated that he received quotes for chip sealing and slurry coating several Town roads and requested that these quotes be added to the agenda for the August 28 Town Board meeting for consideration.

### **Adjournment**

***Motion (Gruhn, McMahon) to adjourn, MC.*** The meeting was adjourned at 7:23 p.m. The next scheduled Town Board meeting is Monday, August 28, 2017, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*