

MINUTES

**TOWN OF YORKVILLE
TOWN BOARD
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, AUGUST 25, 2014**

Call to Order

Town Board Chair Peter Hansen called the meeting to order at 6:00 p.m.

Roll Call

The following Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. Also present were John Fonk, Patrick Saltzberry, Yorkville Stormwater District Chair Steve Nelson, Engineer Mark Madsen, Code Enforcement Officer Terrence O'Brien and Clerk-Treasurer Michael McKinney.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the August 11, 2014 joint Town Board/Plan Commission meeting minutes as submitted, Motion Carried (MC).

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve payment of Town invoices in the amount of \$23,429.83, MC.

Approval of Stormwater Invoices

Gruhn noted that the invoice payment to Plank Road Services was for spraying vegetation along the East Branch of the Root River Canal.

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices in the amount of \$3,180.00, MC.

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

Culvert installation and replacement on 69th Drive near the property at 4712 69th Drive

John Fonk appeared before the Board regarding this issue. He noted that a six-inch tile under 69th Drive in this area is being repaired. He stated that a second culvert under 69th Drive would be ideal for resolving the drainage issues at this location. Hansen summarized an estimate in the amount of \$15,285.00 provided by Madsen for replacement of the existing culvert and installation of a second culvert at this location, noting that both culverts are on the section of 69th Drive where jurisdiction is shared between the Town and the Village of Union Grove. Madsen noted that it would make more sense to replace the existing culvert than to insert a liner into the existing culvert, as the pipe's capacity would decrease if a liner was used. Madsen added that a pipe must be used that is sufficiently rated for such a use. He stated that the Town could seek additional quotes for this work.

He added that a temporary asphalt or gravel patch could be used if the project is done this fall and 69th Drive is repaved next year. Hansen noted that this project would probably not be completed in 2014 due to budget constraints but could be included in the 2015 highway construction budget. McMahon noted that the Town would need to establish an agreement with the Village of Union Grove to ensure that the Village covers half of the cost of this work, as the east side of the road in this area is under Village jurisdiction. Patrick Saltzberry also requested that the Town replace the culvert under his driveway at 4712 69th Drive to help improve drainage under his driveway.

Motion (McMahon, Gruhn) to include funds in the 2015 General Fund annual budget for installation of a new culvert south of the driveway for the property located at 4712 69th Drive, replacement of the existing culvert north of the driveway for the property located at 4712 69th Drive, and replacement of the existing driveway culvert for the property located at 4712 69th Drive, MC.

Fonk provided a cross-section of 69th Drive along his property to the Board. He stated that this stretch of road has a very wide ditch on the east side that ends approximately 45 feet from the centerline of 69th Drive and appears to continue outside of the Town's right-of-way. He added that the ditch on the west side of 69th Drive is also very large. He stated that there is a small ridge between his crop land and the existing ditch on both sides of the road. He added that he proposes to push that ridge into the ditch and level out the disturbed soil so the ditch is contained within the Town's right-of-way and there is a gentler slope into the ditch. Hansen noted that the right-of-way would need to be staked out in this area to ensure that no encroachments are made upon the Town's right-of-way. Madsen noted that Fonk could also push this ridge into his farm field. Hansen expressed concern over whether the ditch, if modified, would continue to be sufficient to handle local drainage. Madsen noted that he would place stakes along the right-of-way on each side of 69th Drive in this area.

Revisions to provisions of the Town of Yorkville Code of Ordinances regarding Fireworks

The Board discussed the newly-adopted insurance requirements within the Town's fireworks ordinances, which require that applicants submit a certificate of liability insurance showing fireworks liability coverage, for the payment of all claims that may arise by reason of injuries to person or property from the handling, use or discharge of fireworks, in the amount of no less than \$1,000,000, with the Town of Yorkville named as an additional insured. Discussion focused on whether the new insurance requirement was excessive, whether the insurance was a hardship for individual applicants to obtain due to its cost, what liability exists for the Town if a claim is filed and whether the Town's insurance provider would defend the Town against any claims filed against it. The Board requested that the Town's attorney be present at the next Board meeting to answer questions related to these issues.

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

Application for a Fireworks Permit submitted by Jim Elliott for a fireworks display on September 20, 2014, at the residence of Clem Stublaski, 18502 52nd Road

Motion (McMahon, Gruhn) to grant a Fireworks Permit to Jim Elliott for a fireworks display on September 20, 2014, at the residence of Clem Stublaski, 18502 52nd Road, with no conditions, MC.

License and permit applications submitted by the Greater Union Grove Chamber of Commerce for Saturday, October 25, 2014, from 10:00 a.m. to 4:00 p.m., for the Great Pumpkin Fest, located at the Racine County Fairgrounds, 19805 Durand Avenue, including the following applications:

- Special Event Permit
- Temporary Combination Class B License to sell fermented malt beverages and wine
- Temporary Operator License for:
 - Keith Mann

Motion (Gruhn, McMahon) to grant all licenses and permits applied for by the Greater Union Grove Chamber of Commerce for Saturday, October 25, 2014, from 10:00 a.m. to 4:00 p.m., for the Great Pumpkin Fest, located at the Racine County Fairgrounds, 19805 Durand Avenue, with no conditions, MC.

Application for a Special Event Permit submitted by Bob Pucci and the Take a Kid Hunting Foundation for the Union Grove Gun Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 3:00 p.m. to 8:00 p.m. on Friday, October 17, 2014, from 9:00 a.m. to 5:00 p.m. on Saturday, October 18, 2014, and from 9:00 a.m. to 3:00 p.m. on Sunday, October 19, 2014

Motion (McMahon, Gruhn) to grant a Special Event Permit to Bob Pucci and the Take a Kid Hunting Foundation for the Union Grove Gun Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 3:00 p.m. to 8:00 p.m. on Friday, October 17, 2014, from 9:00 a.m. to 5:00 p.m. on Saturday, October 18, 2014, and from 9:00 a.m. to 3:00 p.m. on Sunday, October 19, 2014, MC.

Application for a Special Event Permit submitted by Edna Lowe for the Half Point Historical Re-Enactment at the Racine County Fairgrounds, 19805 Durand Avenue, from 8:00 a.m. on Friday, October 10, 2014, to dusk on Sunday, October 12, 2014

McKinney noted that the participants would begin their setup on Friday morning and would leave by dusk on Sunday. He added that the grounds would only be open to the public during the day on Saturday and Sunday.

Motion (Gruhn, McMahon) to grant a Special Event Permit to Edna Lowe for the Half Point Historical Re-Enactment at the Racine County Fairgrounds, 19805 Durand Avenue, from 8:00 a.m. on Friday, October 10, 2014, to dusk on Sunday, October 12, 2014, MC.

Application for a 2014-2015 annual Operator's License submitted by Rebecca Isaacson

Motion (McMahon, Gruhn) to grant a 2014-2015 annual Operator's License to Rebecca Isaacson, MC.

Resolution 13-2014 Adopting an updated Bond Schedule for the Town of Yorkville Municipal Court

McKinney noted that the existing bond schedule has been in place since at least 2005. He added that the new bond schedule includes several changes, including the addition,

updating and subtraction of Code-related violations. He noted that the deposit related to animal care and control was reduced to match the deposits for other animal-related offenses. He added that the Municipal Court requested that court costs collected on each citation be increased from \$25.00 to \$38.00. He noted that the surcharges added to the cost of each citation are mandated by the State of Wisconsin.

Motion (Gruhn, McMahon) to approve Resolution 13-2014 as submitted, MC.

Resolution 14-2014 Amending the Town of Yorkville's 2014 General Fund annual budget

McKinney provided a summary of the proposed amendments to the annual budget. He noted that, of the \$26,293.76 in amendments, \$4,038.95 will be transferred from other line items within the budget, while \$22,254.81 will be transferred from the Town's cash reserve balance. He added that \$15,254.81 is being transferred from the cash reserve balance to offset unbudgeted and accrued retirement benefit expenses for two collection site employees. He noted that \$7,000.00 will be transferred from the cash reserve balance to offset additional outlay and legal expenses. He added that funds would be transferred within the budget to offset additional expenses for printing and publication, association dues and conventions, outlay, records checks, weed enforcement, and collection site maintenance.

Motion (McMahon, Gruhn) to approve Resolution 14-2014 as submitted, MC.

Annual 2014-2015 Full Service Maintenance Agreement submitted by Pro-Copy, Inc. for the Town's copier machine

McKinney noted that Pro-Copy provided two quotes for maintenance of the Town's copier machine. He added that the first quote was \$450.00 and included toner replacement, while the second quote, which did not include toner replacement, was \$395.00. He stated that, without this agreement, Pro-Copy charges \$135.00 for each service call and \$80.00 for each toner cartridge. He added that Pro-Copy would conduct two annual preventative maintenance visits under either agreement.

Motion (Hansen, McMahon) to approve the annual 2014-2015 Full Service Maintenance Agreement option submitted by Pro-Copy, Inc. for the Town's copier machine, which includes toner replacement, for \$450.00, MC.

Pay request #2 submitted by Black Diamond Group for the 50th Road and Braun Road paving and drainage projects

Madsen noted that this is the final pay request for these two projects.

Motion (McMahon, Gruhn) to approve payment of Pay Request #2 submitted by Black Diamond Group in the amount of \$275,424.97 for the 50th Road and Braun Road paving and drainage projects, MC.

Collection of delinquent 2013 Personal Property Taxes

McKinney noted that he has contacted the Wisconsin Department of Revenue, who collects delinquent personal property taxes through the State Debt Collection Initiative (SDC). He added that the SDC discourages collections on balances of \$100.00 and less. He noted that

the Town would need to locate an employer identification number for each business to enroll in SDC, which would require additional costs that may not be recoverable. He added that these balances could also be pursued through the small claims process but noted that it is difficult to collect on any judgments. He noted that there are currently seven delinquent 2013 personal property tax accounts with a total balance of \$4,222.33. He added that two accounts can be charged back to the other local taxing entities in 2015, one account is a business that has been placed in receivership that will not pay the delinquent balance, and three accounts have a balance of less than \$250.00. The Board discussed the seventh delinquent personal property tax balance for RMS Quality Services, noting that the Town should make an effort to collect this balance, which currently stands at \$1,483.87.

Motion (Hansen, McMahon) to authorize the Clerk-Treasurer to pursue collection action against the delinquent 2013 personal property tax balance of RMS Quality Services, Inc., 1500 South Sylvania Avenue, Units 115 and 116, MC.

Setting hours of the Town's 2014 Trick-or-Treat

McKinney noted that the Village of Union Grove plans to hold their Trick-or-Treat on Friday, October 31, 2014, from 5:00 p.m. to 7:00 p.m.

Motion (Hansen, Gruhn) to set the hours for the Town of Yorkville's 2014 Trick-or-Treat to Friday, October 31, 2014, from 5:00 p.m. to 7:00 p.m., MC.

Setting dates for the Town's 2014 budget workshops

The Town Board scheduled their first 2014 budget workshop on Thursday, September 25, 2014, at 9:00 a.m., in the Town Board Room.

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

Reports

Code Enforcement Officer's Report: O'Brien provided his report to the Board. He noted that the municipal court trial involving the property owner at 17806 Spring Street would be heard in Mount Pleasant municipal court due to a request from the property owner for a judicial substitution. He added that the property owners at 17806 Spring Street and 1932 51st Drive are scheduled to appear in separate municipal courts for trial on September 4th. He informed the Board of a possible challenge to the ability of municipalities to issue daily citations to offenders for ordinance violations. He noted that he has contacted the property owner at 2705 South Colony Avenue to request that they clean up the property. He informed the Board that he will not be available for the first meeting in September.

Engineer's Report: Madsen provided his report to the Board. He requested that the Town Board establish a list of potential road projects for 2015.

Clerk's Report: McKinney provided his report to the Board. He noted that the Town's attorney contacted him regarding whether the Town wishes to regulate the use of construction or storage trailers for long-term storage purposes on residential properties. The Board felt that this type of use should not be permitted. The Board requested that the Town's attorney attend their next meeting to provide more information on this issue. McKinney noted that the Town's Animal Collection Service Contract with Playmate Kennels allows Playmate to charge the

Town \$120.00 for each animal that a Playmate employee is requested to pick up from a property in the Town. He added that this cost is not passed on to the animal's owner, nor is the animal's owner cited for having an animal at large. He also added that Playmate does not collect animal or owner information on any animal that enters or leaves their facility. The Board felt that such animal and owner information should be collected and forwarded to the Code Enforcement Officer for enforcement action. The Board also felt that the Town's share of the cost of impounding any animal should be passed on the animal's owner.

Motion (McMahon, Gruhn) to request that Playmate Kennels collect animal and owner information on each animal brought to that facility and to provide those records to the Town of Yorkville upon release of the animal to the owner, MC.

McKinney noted that he was informed by the Racine County Public Works and Development Services Department of a large chicken coop built on the property located at 15230 Ives Grove Road. He added that he could find no record of a building permit having been issued for this structure. He stated that he notified the Building Inspector of this issue and requested that the Code Enforcement Officer accompany the Building Inspector if he conducts any site visits on the property. He informed the Board that the Town's website is complete and now online.

He noted that the Wisconsin Department of Administration has estimated the Town's population to be 3,090 in 2014, an increase of three from 2013. He noted that he did appear at the Racine County Courthouse on August 21 for a small claims case involving a resident in the mobile home park with unpaid mobile home parking fees. He added that the resident did not appear and a judgment in the amount of \$1,265.93 was entered in the Town's favor. He asked the Board for guidance on whether the Town should pass the cost of cleaning up piles of leftover wood on Rosendale Drive onto the contractor responsible for the maintenance project on the East Branch of the Root River Canal. Madsen noted that any costs we incur could be applied against the retainage for this project.

Other – Comments, questions and suggestions

No comments, questions or suggestions were provided.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:27 p.m. The next regularly scheduled Town Board meeting is Monday, September 8, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer