

TOWN OF YORKVILLE

925 15th Avenue, Union Grove, Wisconsin 53182

Phone: (262) 878-2123 Fax: (262) 878-1680 Website: www.townofyorkville.com

Chairman
Peter L. Hansen

Supervisor # 1
Sherry Gruhn

Supervisor # 2
Terrence McMahon

Clerk-Treasurer
Michael McKinney

April 15, 2014

Julie Anderson
Director
Racine County Public Works and Development Services Department
14200 Washington Avenue
Sturtevant, Wisconsin 53177

Re: Conditional Use Permit extension request by Terrence O'Brien and OBCO, LLC for 14520 Braun Road

Julie:

The Yorkville Town Board and Plan Commission met last evening and approved the request submitted by Terrence O'Brien and OBCO, LLC for an extension of a Conditional Use Permit for the property located at 14520 Braun Road.

This approval encompasses the following:

Continuance of a non-metallic mining operation on the site for clay extraction.

The following conditions were included with the approval:

1. Those 37 conditions established by the Racine County Planning and Development Committee on May 6, 2002;
2. Those conditions drafted by the Town Attorney and Town Engineer and included in the Town Attorney's letter dated April 9, 2014 (see attached);
3. That the \$161,250 repair and maintenance bond discussed in the Town Attorney's letter dated April 9, 2014, be updated from time to time to reflect the age of the road surface when the project is completed, the estimated impact that this project will have on the existing road surface, and the estimated cost of a new road.

If you should have any questions, please feel free to contact our office.

Thank you,

Michael McKinney
Clerk-Treasurer



PRUITT, EKES & GEARY, S.C.

Timothy J. Pruitt
Elaine Sutton Ekes
Christopher A. Geary

Office Administrator:
Eileen Zaffiro

610 Main Street, Suite 100, Racine, WI 53403 Phone: 262-456-1216 Facsimilie: 262-456-2086 www.peglawfirm.com

April 9, 2014

Town of Yorkville
c/o Michael McKinney, Clerk-Treasurer
925 - 15th Avenue
Union Grove, WI 53182

RE: Proposed OBCO, LLC Conditional Use Restrictions

Dear Town Board Members:

We were recently asked to work with the Town Engineer to arrive at proposed conditions for the Town's consideration related to the non-metallic mining operation by OBCO, LLC ("OBCO") at 14520 Braun Road. We tried not to duplicate conditions that are already in place from Racine County (see attached conditions dated May 6, 2002 that are incorporated into the County's recent letter of March 21, 2014), although the Town is able to put forth more restrictive conditions where necessary in the judgment of the Town Board. We recommend the following conditions be considered:

- Prior to the commencement of any hauling operations, OBCO shall construct a new entrance to the OBCO site, including an appropriate, Town-approved turn lane from Braun Road and a hard-surface site access road of at least 300 feet from Braun Road, immediately opposite the access point for the Kingdom Hall property located across Braun Road;
- Prior to the commencement of any hauling operations, OBCO shall post a letter of credit or cash deposit with the Town in the amount of \$161,250 to secure the costs of repair and maintenance to Braun Road while its hauling operations are on-going and also to guaranty the restoration of the road after the hauling operation is complete (see letter of February 9, 2009 from Nielsen, Madsen & Barber S.C. for itemization of amount of security). The Town Engineer shall have sole discretion to determine allocation of repair and maintenance costs attributable to hauling operations. The form of the letter of credit must be approved by the Town Attorney;
- Storm water retention restrictions on the site shall meet the requirements of Planning Report Number 44, *A Comprehensive Plan for the Des Plaines River Watershed*, as published by the Southeastern Wisconsin Regional Planning Commission, and an agreement by contractor that any pond or ponds on the site may be utilized for the storage and controlled release of upstream storm water flow;

- OBCO shall enter into an agreement with the Town pursuant to which OBCO agrees to reimburse the Town for the costs, including administrative expenses, legal and engineering fees, that it has and will incur in connection with OBCO'S conditional use permit, including the posting of a cash deposit, in an amount acceptable to the Town and which shall be replenished as necessary by OBCO;
- Reasonable restrictions, acceptable to the Town, on hours of operation, engine braking, tailgate banging, and other operational issues, designed to minimize the operation's disruption of and inconvenience to neighboring property owners. OBCO must secure Town Board approval of such restrictions prior to the commencement of any hauling operations;
- A 2-year duration on the conditional use permit, following which the contractor must obtain a new permit from the Town if its operation has not yet ceased;
- Complete copies of the site's approved 1998 plans for Phase I shall be filed by OBCO with the Town within thirty (30) days. Any revisions to the approved plans shall require Town and County approval; and
- Within thirty (30) days, OBCO shall file copies of approvals from the Wisconsin Department of Natural Resources ("DNR") and the U.S. Army Corps of Engineers ("ACOE") related to its proposed operations (see County condition #8).

We look forward to discussing this matter in more detail with the Board at its April 14, 2014 meeting. Thank you.

Sincerely,

PRUITT, EKES & GEARY, S.C.



Timothy J. Pruitt
tpruitt@peglawfirm.com

Enclosures

cc: Mark Madsen, Nielsen, Madsen & Barber, S.C.



RACINE COUNTY

PUBLIC WORKS & DEVELOPMENT SERVICES DEPARTMENT

14200 Washington Avenue, Sturtevant, WI 53177-1253

Phone: (262) 886-8440 Fax: (262) 886-8480

James A. Ladwig
County Executive

Julie A. Anderson
Director of Public Works & Development Services

March 21, 2014

Terrance O'Brien
OBCO, LLC
701 Lake Street
Twin Lakes, WI 53181-8916

SUBJECT: Extension to continue a non-metallic mining operation for clay extraction at 14520 Braun Road, Parcel Id. No. 018032125015000, Town of Yorkville

Dear Mr. O'Brien:

The Racine County Economic Development and Land Use Planning Committee approved the subject extension at their March 17, 2014, meeting. The Committee granted an extension through March 17, 2016.

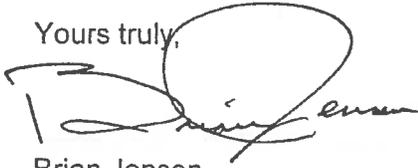
If this clay extraction will be part of the I-94 Reconstruction Project and if this project is part of the WIS-DOT bid, then WI ADM NR135 rules for the operation and reclamation will apply to this operation. If this clay extraction operation is not for the I-94 Reconstruction Project, but instead for a commercial clay quarry, the Racine County Zoning Ordinance provisions will apply to this operation.

You are required to notify, approximately 30-days in advance of the start of this project, Racine County Development Services and the Town of Yorkville. Furthermore, a financial assurance bond is required to be submitted to and accepted by Racine County. The amount of the financial assurance shall be determined between Racine County and OBCO, LLC.

Under this extension, you must continue to comply with all of the original conditions of approval listed in Exhibit A, dated May 6, 2002, **including paying the \$750.00 permit fee for this operation.** You have obtained approvals from the Town of Yorkville and you must comply with any conditions they established. Failure to comply with the terms and conditions of this approval as listed in Exhibit A or as established by the Town of Yorkville could result in the issuance of citation(s) and permit revocation. If you have any comments or questions, do not hesitate to contact this office at 262-886-8440 or via e-mail: Brian.Jensen@goRacine.org.

If you have any comments or questions, please contact this office at (262) 886-8440 or via e-mail: Brian.Jensen@GORacine.org.

Yours truly,

A handwritten signature in black ink, appearing to read "Brian Jensen". The signature is written in a cursive style with a large, prominent loop at the beginning.

Brian Jensen
Development Services Superintendent

bj/ni

attachment

c: Michael McKinney, Town Clerk
Peter Hansen, Town Chair
File

May 29, 2002

Terry O'Brien
OBCO, LLC
14800 Braun Road
Sturtevant, WI 53177

SUBJECT: M-4 Conditional Use for Clay Extraction at 14520 Braun Road
Parcel Id. No. 018032125015000

Dear Terry:

Your request for the subject conditional use was approved. The conditional approval was granted by the Racine County Planning and Development Committee at their May 6, 2002 committee meeting as the proposed use is compatible with the area, underlying zoning permits it, and, based on the other things going on in the area, the proposed use fits with the uses in the district. You will be allowed to extract clay and restore the property as a private pond and nature conservancy area development. This operation will be located at 14520 Braun Road, Section 25, Town 3 North, Range 21 East, Town of Yorkville.

Under this approval you must comply with the standards of Sec. 20-1228, Racine County Zoning Ordinance (copy attached), with the provisions of Chapter 21 Non-Metallic Mining Reclamation and with all of the conditions listed in Exhibit A, which is attached. You previously obtained the approval of the Town of Yorkville, and you must also comply with any conditions they established. Failure to comply with the terms and conditions of this approval, as listed in Exhibit A or as established by the Town of Yorkville, may result in the issuance of citation(s) and revocation of your permit. PLEASE BE SURE TO READ EXHIBIT A. If you have any questions or comments, please contact this office.

Yours truly,

Arnold L. Clement
Planning & Development Director

ALC/co
attachment

cc: J. Aimone w/attachment
J. Moyer w/attachment
P. Hansen w/attachment
file

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1. **The applicant must obtain a zoning permit card from this office after paying the required \$1,551.00 fee which covers the 2002-2004 period.** This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed. The applicant must also obtain the Non-Metallic Mining Reclamation Permit after paying the annual fee of \$600.00 for 2002 and the \$900.00 one-time plan review fee.
2. This approval is for the Phase 1 project only. This clay extraction activity must be located, operated, and restored in accordance with the plans and documents received in this office on April 15, 2002

Restoration of this site is to be a pond and nature conservancy area. It is recommended that the applicant immediately begin to plant seedling trees in the landscape buffer area and elsewhere on site where excavation or quarry activities will not occur. The restoration bond or financial surety required in Condition 28 may, after review, be reduced as restoration is finished. Final site restoration and financial surety are subject to compliance with Chapter 21, Non-Metallic Mining Reclamation, Racine County Code of Ordinances.

3. Silt fences must be installed around the downstream side of this proposed excavation and pond development. During the first phase of pond development, the existing drainage swale along the south side of this pond must be maintained in grass. A berm may need to be installed along the north side of the swale to prevent surface water from entering the excavation portion. Silt fences must be installed along the drainage swales prior to any earth disturbance activities to prevent soil from entering or blocking the drainage swale. These silt fences must be maintained until all disturbed soils are protected with vegetation or the grades have changed to direct the water and sediment away from these areas of protection. See the attached Filter Fabric Silt Fence sheet for details on installation and maintenance.
4. The locations of topsoil north of this pond phase 1, must be placed to prevent any soil erosion or sediment from entering any of the existing drainage swales or leaving this property. Side slopes of these topsoil stockpiles must be 2:1 or flatter and seeded with grasses until restoration is completed. All topsoil must be maintained on this property and must be used on the areas designated for vegetative conditions unless a detailed plan is submitted which quantifies the amount of topsoil available on site and the amount needed to complete final restoration of this project. Any excess established by this analysis may be removed.

5. The proposed pond shows an outlet for removing the extra water once this pond fills up, but should also have a small tile with a surface inlet to handle the longer duration trickle flow. If this is not provided the continuous wet condition around the outlet and downstream could destroy the vegetation in the existing drainage swales to the east. All existing subsurface agricultural drainage tiles must be maintained and/or re-routed. Do not block or destroy any agricultural tiles which could impact upstream lands. Any subsurface drainage tiles that are broken as a result of these excavations must be repaired or redirected so that they are kept in an operating condition. If such tiles are found to be carrying sewage, the applicant must immediately contact the Racine County Code Administration Division at (262) 886-8475.
6. Side slopes of the finished land around the pond area must be 3:1 or flatter and have a minimum of four inches of topsoil on the surface prior to seeding and mulching or landscaping. See the attached WI-CPA-123 seeding sheet for details.
7. Due to the depth of this pond, a safety ledge is required. It is also recommended that the pond be fenced for security/safety purposes. Warning signs of the potential hazard must be placed on the fencing at 50 feet spacing. The landowner is responsible to check with any other local ordinances relating to ponds or posting. The side slopes of the proposed pond must be maintained at 4:1 slope (consistent with the Town of Yorkville's pond ordinance) or flatter except as stated for beach areas. It is recommended that the side slopes for the first five feet of water depth be at least 5:1 or flatter for safety reasons.
8. The proposed quarrying and pond must comply with any Wisconsin Department of Natural Resources (DNR), and U.S. Army Corps of Engineers (ACOE) applicable requirements. If the DNR or ACOE have any additional or more restrictive conditions for this site, those conditions will supersede these. All soil erosion control measures must be in place prior to any excavation.
9. As stated above, silt fencing must be installed prior to any activity that results in the disturbance of the soil. All silt fencing must be installed in accordance with the advice of the Wisconsin Construction Site Best Management Practices manual, current edition. Silt fencing must be properly maintained and inspected within 24 hours after each rainfall, or daily during periods of prolonged rainfall. Repair or replacement must be made as soon as practical. Sediment deposits should be removed after each storm event of greater than 10-year occurrence interval or when such deposits reach one-half the height of the fence, whichever occurs first.

10. All areas disturbed by the nonmetallic mineral extraction operations must have a minimum of eight inches of topsoil placed over the subsurface material prior to seeding. All permanent seeding must be mulched and maintained in such fashion as to attain maximum rate of germination as is practical. Each area of the operations must be restored and seeded as soon as practical after final site grades are obtained for the particular area of operations.
11. All seeding must be completed within seven days after final grading of that portion of the phase. Seeding must be completed by September 1st to allow adequate time for the grass to establish itself prior to freeze up. Use the seeding mixtures as stated in the plan prepared by RSV Engineering, Incorporated dated February 1998.
12. All site dewatering must be treated by directing this water into a temporary sedimentation basin. Do not allow sediment to leave this site. Additional erosion control devices as determined by this office may be required if site conditions warrant.
13. The hours of operation for this activity are 6:30 a.m. to 5:30 p.m., Monday through Friday. Saturday hours (7:00 a.m. to 12:00 Noon) may be approved by the Town of Yorkville upon prior application to the Town Board. No Sunday or holiday operations are permitted. Operation shall be defined to include all activities related to, or associated with starting, stopping, running maintaining, servicing, cleaning, repairing or otherwise utilizing any vehicles or equipment.
14. No sediment or other soil material may be permitted to be transported/carried off this site and spilled/deposited on the public right-of-way or on abutting properties. The applicant is responsible for cleaning up any such material that is spilled or tracked onto the public roadway or abutting properties by the close of the business day or as directed by the jurisdictional highway authority. A sweeper and a grader are to be kept on site during operations for the purpose of cleaning the highway and area. Street flushing/washing is not permitted. The trucks are to be carefully loaded so that clay does not fall on the highway.
15. All areas not within the limits of the nonmetallic mining extraction operations, including haul roads and those undisturbed areas of future operations shall be maintained to control or eliminate noxious weeds in conformance with the Town of Yorkville Noxious Weeds Ordinance.
16. This quarrying activity must be conducted in conformance with the State of Wisconsin Air Pollution Control regulations.

17. The applicant is responsible for compliance with the provisions of Article VII, Division 4, Performance Standards of Chapter 20 Zoning, Racine County Code of Ordinances. (Please see attached copy).
18. Fugitive dust control must be established on all internal haul roads, including watering of haul roads at such a rate and quantity as to simulate a daily rain event of 0.01 inches, unless such a rain event or greater occurs. It is the responsibility of the operator to establish and maintain a fugitive dust control plan. Airborne particulate matter of an aerodynamic diameter greater than 10 microns (PM10 or greater) may not exceed Wisconsin State Administrative Code regulations.
19. Racine County and the Town of Yorkville reserve the right to require, with 30 working days notice, a complete set of elevations, including grades at the bottom of the pond. These elevations must be observed and recorded by a registered land surveyor or a professional engineer. This operation may not cause an excavation at an elevation of less than 719 feet as shown on the approved plan documents. The bottom of the pond grades must be monumented and this monumentation maintained throughout extraction operations.
20. The applicant must provide the Town of Yorkville and Racine County Planning and Development with an as-built survey when restoration is completed. This must be submitted within 30 days of the restoration of Phase One.
21. The applicant must allow full and unlimited access to the project site at any reasonable time to any Town representative, Racine County Planning and Development Committee member, or Planning and Development Division employee or representative who is investigating the project's construction, operation or maintenance.
22. All excavating and phase boundaries must be staked or otherwise marked and may be inspected by the Racine County Planning and Development Department prior to the commencement of operations under this approval. Stakes must be made of wood, steel, fiberglass, or other suitable material as determined by the Planning and Development Department. Signs warning of the quarry operation must be placed around the boundary every 200 feet. Such signs must be metal on metal posts.

23. When excavation/hauling operations occur, "EQUIPMENT/VEHCILES ENTERING" signs (black on orange, four feet square) must be erected approximately 500 feet to 600 feet in advance, both east and west of the access driveway. The applicant must also place flags or flashers on the signs. At all times, adequate warning and safety signs or devices must be used. All road or shoulder damage caused by this operation must be promptly repaired.
24. The Racine County Planning and Development Committee and the Town of Yorkville have the right to require the submission of additional detailed drawings. Such drawings may include a plan view drawing and a description of the sequential stages of mining and storm water drainage plans. Additionally, it may require additional drawings to be submitted to show the location of the phase boundary stakes and the location and extent of the mining site to include, but not limited to, mining refuse, sediment ponds, sediment basins stockpiles, structures, roads, utilities, and other permanent or temporary facilities used in the mining. Also the Department may require the submission of a timetable for commencement, duration, and succession of the mining operations and the identification of the phasing of operations if applicable. The mining must be scheduled in such a manner to excavate the materials as quickly as practicable.
25. No additions, deletions, or changes may be made to these conditions without the prior approval of the Planning and Development Committee and the Town of Yorkville. Minor changes can be approved utilizing the site plan approval process, without the need for a public hearing if such changes are necessitated or required by any Federal or State agency having authority of the mining.
26. No solid waste, trash, junk, or debris may be sorted, processed, or disposed of in the borrow pit or on the property described in the plans. This property must be kept free of any accumulation of such materials.
27. Prior to the issuance of the zoning permit, a restoration bond written to Racine County and the Town of Yorkville or other financial surety consistent with Chapter 21 must be submitted to the Racine County Planning and Development Department for review and approval and must be deposited with Racine County prior to any earth disturbance. The amount of the bond shall be \$22,500 which covers the restoration of approximately 9 acres which covers the two years worth of excavation under this conditional use permit.

28. The entrance driveway for this operation must be hard surfaced from the edge of the existing Braun Road pavement 300 feet north into the property. A stop sign must be placed on this driveway to stop traffic before the traffic enters Braun Road. A truck approach turning lane, subject to Town of Yorkville review and approval, must be installed. Trucks are only allowed to approach from the east and to leave in an easterly direction. No overnight parking of trucks on site is permitted. The project may not begin until the Town of Yorkville's engineer has video taped Braun Road. In their 1998 approval, the Town Board required the installation of a truck approach turning lane. Their current approval has deleted this requirement. However, Racine County reserves the right for Racine County and the Town to revisit this issue to require the installation of such a turning lane based upon observed truck traffic impacts to free flowing traffic on Braun Road.
29. The permittee must notify Racine County Planning and Development and the Town of Yorkville in writing at least 15 working days prior to initial extraction operations at this site and at least 30 working days prior to the anticipated date of final completion of site reclamation.
30. The conditional use permit issued as a part of this approval expires within six months of the date of this letter unless substantial work has commenced pursuant to such grant. No construction may begin after such date unless an extension is granted in writing by the Planning and Development Committee. All permit extension requests must be submitted to this office in writing by the Planning and Development Committee. All permit extension requests must be submitted to this office in writing 30 days prior to permit expiration. Substantial work includes the obtaining of the permits.
31. No haul trucks are to be parked or stopped on Braun Road in anticipation of entering the site during hauling operations. The applicant is responsible for insuring that all truck drivers strictly obey all posted speed limits and all traffic laws. This includes coming to a full stop before entering the public roadway. Should this office receive substantial complaints that such laws are being broken, the Planning and Development Committee reserves the right to revoke this permit for noncompliance.
32. The applicant is responsible for obtaining all necessary federal, state and local permits, approvals and licenses, and for abiding by all applicable codes and regulations. A written biennial report must be provided to the Town of Yorkville Board by the permittee. This report must detail the progress of the operation.
33. At the conclusion of the quarry operation, the applicant must petition Racine County for a rezoning of this site to an appropriate zoning district.

34. There will be an ongoing monitoring of dust control by the Racine County Code Administration Division.
35. Accepting the conditional use approval/zoning permit and beginning the project means that the applicant/owner has read, understands, and agrees to follow all conditions of this approval. Therefore, applicant/owner, their heirs, successors and assigns are responsible for full compliance with the above conditions.
36. It is the property owner's responsibility to inform any subsequent owner of the existence of these conditions. If you have any questions or comments, please contact this office.
37. This conditional use shall expire on May 6, 2004, upon which time the permittee may request an extension of same, provided the permittee has submitted in writing to the Racine County Planning and Development Committee and to the Town of Yorkville a request for same. Conditional use permit extensions shall be made for an additional period of two years, provided the permittee is in compliance with the conditions of approval and other applicable regulations.

May 29, 2002

Terry O'Brien
OBCO, LLC
14800 Braun Road
Sturtevant, WI 53177

SUBJECT: M-4 Conditional Use for Clay Extraction at 14520 Braun Road
Parcel Id. No. 018032125015000

Dear Terry:

Your request for the subject conditional use was approved. The conditional approval was granted by the Racine County Planning and Development Committee at their May 6, 2002 committee meeting as the proposed use is compatible with the area, underlying zoning permits it, and, based on the other things going on in the area, the proposed use fits with the uses in the district. You will be allowed to extract clay and restore the property as a private pond and nature conservancy area development. This operation will be located at 14520 Braun Road, Section 25, Town 3 North, Range 21 East, Town of Yorkville.

Under this approval you must comply with the standards of Sec. 20-1228, Racine County Zoning Ordinance (copy attached), with the provisions of Chapter 21 Non-Metallic Mining Reclamation and with all of the conditions listed in Exhibit A, which is attached. You previously obtained the approval of the Town of Yorkville, and you must also comply with any conditions they established. Failure to comply with the terms and conditions of this approval, as listed in Exhibit A or as established by the Town of Yorkville, may result in the issuance of citation(s) and revocation of your permit. PLEASE BE SURE TO READ EXHIBIT A. If you have any questions or comments, please contact this office.

Yours truly,

Arnold L. Clement
Planning & Development Director

ALC/co
attachment

cc: J. Aimone w/attachment
J. Moyer w/attachment
P. Hansen w/attachment
file

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1. **The applicant must obtain a zoning permit card from this office after paying the required \$1,551.00 fee which covers the 2002-2004 period.** This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed. The applicant must also obtain the Non-Metallic Mining Reclamation Permit after paying the annual fee of \$600.00 for 2002 and the \$900.00 one-time plan review fee.
2. This approval is for the Phase 1 project only. This clay extraction activity must be located, operated, and restored in accordance with the plans and documents received in this office on April 15, 2002

Restoration of this site is to be a pond and nature conservancy area. It is recommended that the applicant immediately begin to plant seedling trees in the landscape buffer area and elsewhere on site where excavation or quarry activities will not occur. The restoration bond or financial surety required in Condition 28 may, after review, be reduced as restoration is finished. Final site restoration and financial surety are subject to compliance with Chapter 21, Non-Metallic Mining Reclamation, Racine County Code of Ordinances.

3. Silt fences must be installed around the downstream side of this proposed excavation and pond development. During the first phase of pond development, the existing drainage swale along the south side of this pond must be maintained in grass. A berm may need to be installed along the north side of the swale to prevent surface water from entering the excavation portion. Silt fences must be installed along the drainage swales prior to any earth disturbance activities to prevent soil from entering or blocking the drainage swale. These silt fences must be maintained until all disturbed soils are protected with vegetation or the grades have changed to direct the water and sediment away from these areas of protection. See the attached Filter Fabric Silt Fence sheet for details on installation and maintenance.
4. The locations of topsoil north of this pond phase 1, must be placed to prevent any soil erosion or sediment from entering any of the existing drainage swales or leaving this property. Side slopes of these topsoil stockpiles must be 2:1 or flatter and seeded with grasses until restoration is completed. All topsoil must be maintained on this property and must be used on the areas designated for vegetative conditions unless a detailed plan is submitted which quantifies the amount of topsoil available on site and the amount needed to complete final restoration of this project. Any excess established by this analysis may be removed.

5. The proposed pond shows an outlet for removing the extra water once this pond fills up, but should also have a small tile with a surface inlet to handle the longer duration trickle flow. If this is not provided the continuous wet condition around the outlet and downstream could destroy the vegetation in the existing drainage swales to the east. All existing subsurface agricultural drainage tiles must be maintained and/or re-routed. Do not block or destroy any agricultural tiles which could impact upstream lands. Any subsurface drainage tiles that are broken as a result of these excavations must be repaired or redirected so that they are kept in an operating condition. If such tiles are found to be carrying sewage, the applicant must immediately contact the Racine County Code Administration Division at (262) 886-8475.
6. Side slopes of the finished land around the pond area must be 3:1 or flatter and have a minimum of four inches of topsoil on the surface prior to seeding and mulching or landscaping. See the attached WI-CPA-123 seeding sheet for details.
7. Due to the depth of this pond, a safety ledge is required. It is also recommended that the pond be fenced for security/safety purposes. Warning signs of the potential hazard must be placed on the fencing at 50 feet spacing. The landowner is responsible to check with any other local ordinances relating to ponds or posting. The side slopes of the proposed pond must be maintained at 4:1 slope (consistent with the Town of Yorkville's pond ordinance) or flatter except as stated for beach areas. It is recommended that the side slopes for the first five feet of water depth be at least 5:1 or flatter for safety reasons.
8. The proposed quarrying and pond must comply with any Wisconsin Department of Natural Resources (DNR), and U.S. Army Corps of Engineers (ACOE) applicable requirements. If the DNR or ACOE have any additional or more restrictive conditions for this site, those conditions will supersede these. All soil erosion control measures must be in place prior to any excavation.
9. As stated above, silt fencing must be installed prior to any activity that results in the disturbance of the soil. All silt fencing must be installed in accordance with the advice of the Wisconsin Construction Site Best Management Practices manual, current edition. Silt fencing must be properly maintained and inspected within 24 hours after each rainfall, or daily during periods of prolonged rainfall. Repair or replacement must be made as soon as practical. Sediment deposits should be removed after each storm event of greater than 10-year occurrence interval or when such deposits reach one-half the height of the fence, whichever occurs first.

10. All areas disturbed by the nonmetallic mineral extraction operations must have a minimum of eight inches of topsoil placed over the subsurface material prior to seeding. All permanent seeding must be mulched and maintained in such fashion as to attain maximum rate of germination as is practical. Each area of the operations must be restored and seeded as soon as practical after final site grades are obtained for the particular area of operations.
11. All seeding must be completed within seven days after final grading of that portion of the phase. Seeding must be completed by September 1st to allow adequate time for the grass to establish itself prior to freeze up. Use the seeding mixtures as stated in the plan prepared by RSV Engineering, Incorporated dated February 1998.
12. All site dewatering must be treated by directing this water into a temporary sedimentation basin. Do not allow sediment to leave this site. Additional erosion control devices as determined by this office may be required if site conditions warrant.
13. The hours of operation for this activity are 6:30 a.m. to 5:30 p.m., Monday through Friday. Saturday hours (7:00 a.m. to 12:00 Noon) may be approved by the Town of Yorkville upon prior application to the Town Board. No Sunday or holiday operations are permitted. Operation shall be defined to include all activities related to, or associated with starting, stopping, running maintaining, servicing, cleaning, repairing or otherwise utilizing any vehicles or equipment.
14. No sediment or other soil material may be permitted to be transported/carried off this site and spilled/deposited on the public right-of-way or on abutting properties. The applicant is responsible for cleaning up any such material that is spilled or tracked onto the public roadway or abutting properties by the close of the business day or as directed by the jurisdictional highway authority. A sweeper and a grader are to be kept on site during operations for the purpose of cleaning the highway and area. Street flushing/washing is not permitted. The trucks are to be carefully loaded so that clay does not fall on the highway.
15. All areas not within the limits of the nonmetallic mining extraction operations, including haul roads and those undisturbed areas of future operations shall be maintained to control or eliminate noxious weeds in conformance with the Town of Yorkville Noxious Weeds Ordinance.
16. This quarrying activity must be conducted in conformance with the State of Wisconsin Air Pollution Control regulations.

17. The applicant is responsible for compliance with the provisions of Article VII, Division 4, Performance Standards of Chapter 20 Zoning, Racine County Code of Ordinances. (Please see attached copy).
18. Fugitive dust control must be established on all internal haul roads, including watering of haul roads at such a rate and quantity as to simulate a daily rain event of 0.01 inches, unless such a rain event or greater occurs. It is the responsibility of the operator to establish and maintain a fugitive dust control plan. Airborne particulate matter of an aerodynamic diameter greater than 10 microns (PM10 or greater) may not exceed Wisconsin State Administrative Code regulations.
19. Racine County and the Town of Yorkville reserve the right to require, with 30 working days notice, a complete set of elevations, including grades at the bottom of the pond. These elevations must be observed and recorded by a registered land surveyor or a professional engineer. This operation may not cause an excavation at an elevation of less than 719 feet as shown on the approved plan documents. The bottom of the pond grades must be monumented and this monumentation maintained throughout extraction operations.
20. The applicant must provide the Town of Yorkville and Racine County Planning and Development with an as-built survey when restoration is completed. This must be submitted within 30 days of the restoration of Phase One.
21. The applicant must allow full and unlimited access to the project site at any reasonable time to any Town representative, Racine County Planning and Development Committee member, or Planning and Development Division employee or representative who is investigating the project's construction, operation or maintenance.
22. All excavating and phase boundaries must be staked or otherwise marked and may be inspected by the Racine County Planning and Development Department prior to the commencement of operations under this approval. Stakes must be made of wood, steel, fiberglass, or other suitable material as determined by the Planning and Development Department. Signs warning of the quarry operation must be placed around the boundary every 200 feet. Such signs must be metal on metal posts.

23. When excavation/hauling operations occur, "EQUIPMENT/VEHCILES ENTERING" signs (black on orange, four feet square) must be erected approximately 500 feet to 600 feet in advance, both east and west of the access driveway. The applicant must also place flags or flashers on the signs. At all times, adequate warning and safety signs or devices must be used. All road or shoulder damage caused by this operation must be promptly repaired.
24. The Racine County Planning and Development Committee and the Town of Yorkville have the right to require the submission of additional detailed drawings. Such drawings may include a plan view drawing and a description of the sequential stages of mining and storm water drainage plans. Additionally, it may require additional drawings to be submitted to show the location of the phase boundary stakes and the location and extent of the mining site to include, but not limited to, mining refuse, sediment ponds, sediment basins stockpiles, structures, roads, utilities, and other permanent or temporary facilities used in the mining. Also the Department may require the submission of a timetable for commencement, duration, and succession of the mining operations and the identification of the phasing of operations if applicable. The mining must be scheduled in such a manner to excavate the materials as quickly as practicable.
25. No additions, deletions, or changes may be made to these conditions without the prior approval of the Planning and Development Committee and the Town of Yorkville. Minor changes can be approved utilizing the site plan approval process, without the need for a public hearing if such changes are necessitated or required by any Federal or State agency having authority of the mining.
26. No solid waste, trash, junk, or debris may be sorted, processed, or disposed of in the borrow pit or on the property described in the plans. This property must be kept free of any accumulation of such materials.
27. Prior to the issuance of the zoning permit, a restoration bond written to Racine County and the Town of Yorkville or other financial surety consistent with Chapter 21 must be submitted to the Racine County Planning and Development Department for review and approval and must be deposited with Racine County prior to any earth disturbance. The amount of the bond shall be \$22,500 which covers the restoration of approximately 9 acres which covers the two years worth of excavation under this conditional use permit.

28. The entrance driveway for this operation must be hard surfaced from the edge of the existing Braun Road pavement 300 feet north into the property. A stop sign must be placed on this driveway to stop traffic before the traffic enters Braun Road. A truck approach turning lane, subject to Town of Yorkville review and approval, must be installed. Trucks are only allowed to approach from the east and to leave in an easterly direction. No overnight parking of trucks on site is permitted. The project may not begin until the Town of Yorkville's engineer has video taped Braun Road. In their 1998 approval, the Town Board required the installation of a truck approach turning lane. Their current approval has deleted this requirement. However, Racine County reserves the right for Racine County and the Town to revisit this issue to require the installation of such a turning lane based upon observed truck traffic impacts to free flowing traffic on Braun Road.
29. The permittee must notify Racine County Planning and Development and the Town of Yorkville in writing at least 15 working days prior to initial extraction operations at this site and at least 30 working days prior to the anticipated date of final completion of site reclamation.
30. The conditional use permit issued as a part of this approval expires within six months of the date of this letter unless substantial work has commenced pursuant to such grant. No construction may begin after such date unless an extension is granted in writing by the Planning and Development Committee. All permit extension requests must be submitted to this office in writing by the Planning and Development Committee. all permit extension requests must be submitted to this office in writing 30 days prior to permit expiration. Substantial work includes the obtaining of the permits.
31. No haul trucks are to be parked or stopped on Braun Road in anticipation of entering the site during hauling operations. The applicant is responsible for insuring that all truck drivers strictly obey all posted speed limits and all traffic laws. This includes coming to a full stop before entering the public roadway. Should this office receive substantial complaints that such laws are being broken, the Planning and Development Committee reserves the right to revoke this permit for noncompliance.
32. The applicant is responsible for obtaining all necessary federal, state and local permits, approvals and licenses, and for abiding by all applicable codes and regulations. A written biennial report must be provided to the Town of Yorkville Board by the permittee. This report must detail the progress of the operation.
33. At the conclusion of the quarry operation, the applicant must petition Racine County for a rezoning of this site to an appropriate zoning district.

34. There will be an ongoing monitoring of dust control by the Racine County Code Administration Division.
35. Accepting the conditional use approval/zoning permit and beginning the project means that the applicant/owner has read, understands, and agrees to follow all conditions of this approval. Therefore, applicant/owner, their heirs, successors and assigns are responsible for full compliance with the above conditions.
36. It is the property owner's responsibility to inform any subsequent owner of the existence of these conditions. If you have any questions or comments, please contact this office.
37. This conditional use shall expire on May 6, 2004, upon which time the permittee may request an extension of same, provided the permittee has submitted in writing to the Racine County Planning and Development Committee and to the Town of Yorkville a request for same. Conditional use permit extensions shall be made for an additional period of two years, provided the permittee is in compliance with the conditions of approval and other applicable regulations.

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, APRIL 14, 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. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Douglas Nelson, Barbara Geschke, Robert Root and Nathan Skewes. Also present were Jennifer Ditscheit representing the Greater Union Grove Chamber of Commerce, Cheryl Mazmanian and Lindsay Schubert representing the Western Racine County Health Department, Tom Jung from Jung Trucking, Yorkville Stormwater District Chair Steve Nelson, Constable Terrence O'Brien, Attorney Tim Pruitt, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and one other attendee.

Approval of Minutes

Hansen noted that he spoke to Racine County Public Works Director Julie Anderson about the Wisconsin Public Works Mutual Assistance Agreement discussed at the March 24, 2014 Town Board meeting. He added that Anderson recommended that the Town not approve this agreement, as Racine County Public Works would offer the same assistance to the Town without an agreement.

Motion (McMahon, Gruhn) to approve the March 24, 2014 and April 8, 2014 Town Board meeting minutes as submitted, Motion Carried (MC).

Financial Report

Motion (Gruhn, McMahon) to approve the March Town financial report as submitted, MC.

Approval of Town Invoices

Motion (Gruhn, McMahon) to approve Town invoices in the amount of \$28,035.26, MC.

Approval of Stormwater Invoices

Fink asked whether the East Branch clearing project would continue through summer. Gruhn noted that the project would end before planting begins in the next few weeks.

Motion (Gruhn, McMahon) to approve Stormwater invoices in the amount of \$16,104.11, MC.

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

Request for assistance with Greater Union Grove Chamber of Commerce branding initiative

Jennifer Ditscheit appeared on behalf of the Greater Union Grove Chamber of Commerce regarding this request. She noted that the Chamber is looking to brand and promote the Union Grove area, which includes Union Grove, Yorkville and Dover. She added that the initiative will be managed by the Chamber's Marketing Committee and asked the Town Board if they would like to be involved in the branding process. Hansen noted that the Board should offer some assistance to this branding initiative.

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

2013 Western Racine County Health Department Annual Report

Cheryl Mazmanian and Lindsay Schubert appeared on behalf of the Western Racine County Health Department (WRCHD) to provide the WRCHD's 2013 summary of activities. Mazmanian provided information to the Board regarding communicable diseases reported, immunizations and skin testing performed, environmental complaints received and additional activities, including birth monitoring. She noted that the overall numbers are down from 2012 due to the exit of municipalities from the WRCHD and the reduction in pertussis reports. She added that only one case of tuberculosis was reported in the Town in 2013. She provided the WRCHD's financial summary, noting that the per capita cost for this service to Town residents in 2013 was \$6.74. She noted that municipalities are only charged by the WRCHD for services mandated by the State of Wisconsin.

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

Application for extension of and additional conditions to be added to an existing Conditional Use Permit by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) to continue a non-metallic mining operation for clay extraction

Terrence O'Brien appeared before the Board and Plan Commission regarding this application. The Board discussed the additional conditions presented to them by the Town Engineer and Town Attorney. Madsen noted that the repair and maintenance bond of \$161,250.00 included in this list of conditions was based upon his estimate for the cost of milling, pulverizing and repaving Braun Road from the site to I-94. Pruitt added that this estimate is based upon projected project costs from both 2009 and 2014. Madsen noted that this estimate was not based on when the project would begin and added that the Town may need to maintain the road now and replace it later. Hansen noted that an agreement should be in place for how to charge for the repair and maintenance of Braun Road if the project does not begin for many years. The Town Board and Plan Commission discussed an additional condition that would require the Town to base the cost of the bond on the age of the road when the project is completed as well as on the cost of a new road at the time it would be reconstructed. Hansen asked O'Brien what his plans were for the property once the project is complete. O'Brien noted that he may use the property for raising livestock. He added that he does have a zoning permit from Racine County for the project but added that he does not anticipate any work to begin on the site within the next two years.

Motion (Geschke, Fink) to approve the Conditional Use Permit extension application by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) to continue a non-metallic mining operation for clay extraction, with the following conditions: those that were approved by the Plan Commission and Town Board on March 10, 2014; those that were drafted by the Town Attorney and Town Engineer and are included in the Town Attorney's letter dated April 9, 2014; that the bond discussed in the Town Attorney's letter dated April 9, 2014, be updated from time to time to reflect the age of the road surface when the project is completed, the estimated impact that this project will have on the existing road surface, and the estimated cost of a new road, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation regarding the Conditional Use Permit extension application by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road, with no conditions beyond those established by the Plan Commission, MC.

Employment agreement between the Town of Yorkville and Terrence O'Brien for Law Enforcement Officer services

Pruitt noted that the position of constable was abolished at a Town elector meeting in 2007. He added that the constable moved from the Town at the time and could no longer hold the position, as a constable must be a resident and cannot be appointed. He noted that the Town has several options for law enforcement services, including contracting with an individual or department, or establishing their own police department. He added that O'Brien would be classified as an employee for liability insurance purposes. O'Brien noted that he would apply to reestablish his law enforcement officer certification with the Wisconsin Law Enforcement Standards Board. He added that this agreement limits his working hours to 600 hours per year unless he receives prior authorization from the Town Board to work more hours. He noted that any expenses he incurs are taken from his salary.

Motion (McMahon, Gruhn) to approve the two-year employment agreement between the Town of Yorkville and Terrence O'Brien for Law Enforcement Officer services, MC.

Proposal for 2014 bridge inspection services from Westbrook Associated Engineers

McKinney noted that the increased cost of this bridge inspection proposal was the result of stronger bridge inspection standards established by the Federal Highway Administration.

Motion (McMahon, no second) to approve the proposal for 2014 bridge inspection services from Westbrook Associated Engineers, motion later withdrawn.

Motion (McMahon, Gruhn) to approve only Item #1, related to the inspection of five bridges under Town jurisdiction, of the proposal for 2014 bridge inspection services from Westbrook Associated Engineers, MC.

Resolution 02-2014 Designating and appointing officers and committee members to various positions in Town of Yorkville government

McKinney noted that when Gruhn was elected to the Town Board in 2013, she replaced McMahon as the Town Board representative on the Yorkville Stormwater Utility

Commission. He added that this appointment vacated the position of Plan Commission representative on the Yorkville Stormwater Utility Commission. He noted that the Town Code of Ordinances requires that the Stormwater Commission have one appointment each from the Town Board and the Plan Commission. He added that the Board cannot appoint one from each body if they both serve on the Town Board. The Board asked for a volunteer from the Plan Commission to serve on this committee. Hearing none, they opted to take up this appointment at an upcoming Town Board meeting. Gruhn noted that there would likely be a few meetings between now and next spring and added that the Stormwater Commission would likely not meet very often after that. Hansen noted that Dennis Lee does not plan to continue as the Weed Commissioner and added that this appointment would also need to be addressed at an upcoming meeting.

Motion (McMahon, Hansen) to approve Resolution 02-2014 with the following amendments: that the Weed Commissioner appointment be removed; that the Plan Commission appointment to the Yorkville Stormwater Utility Commission be removed; that the Town Board appointment to the Yorkville Stormwater Utility Commission be changed from Terrence McMahon to Sherry Gruhn, MC.

Resolution 03-2014 Updating the fee schedule for fees established by Yorkville Town Board policy and various provisions of the Town of Yorkville Code of Ordinances

McKinney noted that this resolution includes several new fees, such as charges for copying public records, fees for publishing liquor license and solid waste permit public hearing notices, and a fee for check payments returned for having insufficient funds. He added that this resolution updates the fee for conditional use permit and rezoning applications to include the cost of administrative, legal and engineering expenses.

Motion (Hansen, McMahon) to approve Resolution 03-2014 as submitted, MC.

Resolution 04-2014 Permitting 2014 highway expenditures to exceed those allowed by Wisconsin Statutes 82.03(2)

McKinney noted that this resolution will be voted on at tomorrow night's annual Town elector meeting. He added that the proposed changes to 2014 highway expenditures included in this resolution were from updated estimates of 2014 expenditures for road construction, snow removal, bridge inspection and streetlights.

Motion (McMahon, Gruhn) to recommend that Resolution 04-2014 be amended to propose an increase of highway expenditures in 2014 of \$288,500.80, from \$696,385.00 to \$984,885.80, MC.

Special Event Permit application submitted by Dorothy Olson for the Union Grove Home and Garden Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 9:00 a.m. to 6:00 p.m. on Saturday, April 26, 2014, and from 10:00 a.m. to 4:00 p.m. on Sunday, April 27, 2014

Motion (Hansen, McMahon) to approve the Special Event Permit application submitted by Dorothy Olson for the Union Grove Home and Garden Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 9:00 a.m. to 6:00 p.m. on Saturday, April 26, 2014, and from 10:00 a.m. to 4:00 p.m. on Sunday, April 27, 2014, MC.

Special Event Permit application 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, May 16, 2014, from 9:00 a.m. to 5:00 p.m. on Saturday, May 17, 2014, and from 9:00 a.m. to 3:00 p.m. on Sunday, May 18, 2014

Motion (McMahon, Gruhn) to approve the Special Event Permit application 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, May 16, 2014, from 9:00 a.m. to 5:00 p.m. on Saturday, May 17, 2014, and from 9:00 a.m. to 3:00 p.m. on Sunday, May 18, 2014, MC.

Special Event Permit application submitted by Louise Paul for the Southern Lakes Rabbit Club Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 6:00 a.m. to 6:00 p.m. on Sunday, May 18, 2014

Motion (McMahon, Gruhn) to approve the Special Event Permit application submitted by Louise Paul for the Southern Lakes Rabbit Club Show at the Racine County Fairgrounds, 19805 Durand Avenue, from 6:00 a.m. to 6:00 p.m. on Sunday, May 18, 2014, MC.

Application for a 2013-2014 Operator's License by Alex Albright

Motion (Gruhn, McMahon) to approve the application for a 2013-2014 Operator's License by Alex Albright, MC.

Policy for use of certified mailings for notification of items considered by Plan Commission

Hansen noted that the Town Board made a motion on March 8, 1993, requiring that certified mailings only be sent to adjoining property owners for conditional use permit applications.

Motion (McMahon, Gruhn) to update the Town's policy on the use of certified mailings to require that certified notifications for both conditional use permit and rezoning applications be sent to property owners within 300 feet of the subject property, and that the applicant bear the cost of mailing those notices, MC.

Mileage reimbursement rates for Town employees and/or officials

Motion (McMahon, Gruhn) to set the mileage reimbursement rate for all travel outside of Racine County to the rate established by the Internal Revenue Service for business miles driven, motion later withdrawn.

Motion (McMahon, Gruhn) to set the mileage reimbursement rate for all travel to the rate established by the Internal Revenue Service for business miles driven, MC.

Deputy Clerk-Treasurer attendance of Wisconsin Municipal Clerks and Treasurers Institute in Green Bay

McKinney noted that this will be the Deputy Clerk-Treasurer's second of four years at the institute. He added that he plans to complete his own Treasurer's certification in 2016.

Motion (McMahon, Gruhn) to approve the Deputy Clerk-Treasurer's attendance of the Wisconsin Municipal Clerks and Treasurers Institute in Green Bay from July 13-18, 2014, MC.

Reports

Constable's Report: O'Brien provided his report to the Board. He provided the Board with copies of the forms he will use when recording incidents reported to him. He informed the Board that he received a number of complaints in the last few weeks. He noted that he received a complaint regarding the absence of posted liquor and operator licenses at a local establishment. He added that the complaint indicated that there was also not a licensed server on the premises. He conducted a site inspection and found that the licenses were posted and a licensed server was present. He noted that he received a complaint regarding wood burning on Braun Road, but could not locate any burning taking place. He informed the Board of a complaint he received regarding campers parked for an extended period on the motel property at 3400 South Sylvania Avenue. He noted that he took pictures of the campers and planned to return in two weeks to issue citations if the campers were not removed by that time. He noted that he received a property maintenance complaint regarding the property at 13826 Braun Road. He added that he conducted a site visit and informed the Board that the residents there would have the site cleaned up within 30 days. He noted that the ongoing property maintenance issues with the property at 17806 Spring Street are still unresolved and added that he plans to issue a citation to the property owner.

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

Motion (Hansen, Gruhn) to accept the Building Inspector's report as submitted, MC.

Engineer's Report: Madsen provided his report to the Board. He noted that Black Diamond Group contacted him regarding whether they could begin work on the 50th Road and Braun Road repaving projects before school ends in June. He added that the only closure would be on Braun Road and it would last for about half of a day, as a culvert there is being replaced. Hansen noted that he will contact the school districts to see if they would have any issues with this work being done early.

Madsen discussed the final lift of asphalt in the Stonecrest Shores Subdivision. He noted that he received estimates for the cost to repair four driveways with concrete aprons extending into the roadway, adding that the total cost would run between \$2,600.00 and \$4,000.00. He also noted that past practice in this circumstance has been to replace the aprons with a material of the Town's choice, but added that he could find no reference of this practice in the Town's ordinances. He added that he will contact Dan Neider to notify him that he is responsible for replacing these aprons as part of his obligation for finishing the roadway. Gruhn asked that the Town make those property owners affected by this situation aware of what is going to be done.

Motion (McMahon, Hansen) to have the Town Engineer send a letter to affected homeowners in the Stonecrest Shores Subdivision informing them of the work that will be done this spring and how it will affect them, MC.

Gruhn also requested that the Town have the Town Attorney look into establishing a written policy or ordinance that governs such situations in the future.

Clerk's Report: McKinney provided his report to the Board. He noted that he plans to work with the Wisconsin Historical Society to establish a records retention schedule that allows the Town to dispose of obsolete records without notifying the Historical Society every time records are disposed of. He provided an update to the Board on some of the issues the Deputy Clerk-Treasurer is experiencing with the Town's accounting software. He also provided an update on outstanding mobile home parking fee balances, noting that the balance of these fees has dropped from nearly \$20,000.00 a few months ago to just under \$9,000.00 now. He reminded the Board that the deadline for submitting bridge aid requests to the Racine County Highway Department is June 1. He noted that the Board ceased issuing soda licenses several years ago and asked whether there was any interest in requiring that those licenses be issued again. The Board felt that it was not necessary to begin reissuing the licenses at this time, due to the fee that can be charged for those applications. He noted that he contacted Ray Stibeck regarding the events he has planned at Route 20 Outhouse on June 21st and September 20th of this year.

Other – Comments, questions and suggestions

Fink asked the Board about the Union Grove-Yorkville Fire Department's fee structure for rescue calls. He also asked about how those fees are assessed. Hansen noted that those fees are established by the Union Grove-Yorkville Fire Commission. Skewes noted that the Fire Department has a two-tiered fee structure based upon the level of care that the patient requires. McMahon noted that the fee structure is reviewed annually and is based partially upon fee comparisons with neighboring departments.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 7:50 p.m. The next regularly scheduled Town Board meeting is Monday, April 28, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, MARCH 10, 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. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Douglas Nelson, Barbara Geschke and Nathan Skewes. Robert Root was absent. Also present were Tom Jung of Jung Trucking, Constable Terrence O'Brien, Attorney Tim Pruitt, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and one other attendee.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the February 24, 2014 Town Board meeting minutes as submitted, Motion Carried (MC).

Financial Report

Motion (Gruhn, McMahon) to approve the February Town financial report as submitted, MC.

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve Town invoices in the amount of \$185,520.35, MC.

Approval of Stormwater Invoices

Motion (McMahon, Gruhn) to approve Stormwater invoices in the amount of \$30,326.69, MC.

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

Application for extension of an existing Conditional Use Permit by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) to continue a non-metallic mining operation for clay extraction

Terrence O'Brien appeared before the Board and Plan Commission regarding this application. He noted that this permit would allow for clay excavation that could be used for upcoming reconstruction projects on I-94. O'Brien also noted that he planned to restore each phase of the site as excavation progresses and wants to construct a pond with a waterfall on the west end and a beach on the east end. He added that the excavation pit will

likely be thirty to fifty feet deep. The Board discussed the impact that this project may have on Braun Road, noting that this portion of Braun Road will be reconstructed this year. O'Brien noted that turn lanes could be installed off of Braun Road to try to limit road damage. The Board also discussed bond options that would ensure proper restoration of the site and Braun Road during the excavation project and upon its completion, such as requiring that a bond be in place before work begins and that would be in place throughout the entire project, setting up a bond that would only cover the phase that the project is currently in, and revisiting the bond on an annual basis to determine if any portion of the bond could be released. The Board felt that a bond and conditions guaranteeing full restoration of Braun Road and the subject site should be in effect before any work begins. O'Brien noted that he would need to apply for a state mining permit but added that the Wisconsin Department of Natural Resources did not require any permits for potential disturbances within the Des Plaines watershed.

Motion (Gruhn, Fink) to approve the Conditional Use Permit extension application by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) to continue a non-metallic mining operation for clay extraction, with the following conditions: that the 37 conditions established by the Racine County Planning and Development Committee on May 6, 2002 remain in effect, that the Town Attorney and Town Engineer work together to establish additional draft conditions for full restoration of Braun Road and the subject site, and that the Town Board and Plan Commission reconsider this item and the proposed additional conditions at their April 14, 2014 meeting, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation regarding the Conditional Use Permit extension application by Terrence O'Brien and OBCO, LLC for the property located at 14520 Braun Road, with no conditions beyond those recommended by the Plan Commission, MC.

Payment plan agreement for collection of outstanding mobile home parking fee balances

The Board discussed a draft letter and payment plan agreement to be sent to residents with outstanding mobile home parking fee balances that are subject to small claims action. Pruitt noted that the Town is required by state law to charge and collect interest at the rate of 1% per month on outstanding mobile home parking fee balances.

Motion (McMahon, Gruhn) to instruct the Clerk-Treasurer to send a letter to each mobile home resident with an outstanding parking fee balance to notify them that their outstanding balances will begin to be charged interest unless paid in full, MC.

Boat storage on the George Miller property at 1932 51st Drive

O'Brien informed the Board that he recently conducted a site visit at this property, adding that it appears that none of the boats have been removed from the site. He added that all of the boats stored there appear to be beyond repair. He noted that there was also a car on the property that would need to be removed. He informed the Board that the citation issued against the property owner for these infractions would be reinstated, adding that it will appear before the municipal judge again in May. The Board and Pruitt discussed various options for enforcement, including placing a lien on the property or removing the boats from the property and charging the cost of the removal against the property owner's tax bill.

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

Bids for the 2014 reconstruction of Braun Road from Woodland Trail to South Sylvania Avenue and 50th Road from 53rd Drive to North Sylvania Avenue as well as alternate bids for culvert replacement on Braun Road and bridge replacement on 50th Road

Madsen noted that Black Diamond Group submitted the lowest bid for the reconstruction of Braun Road and 50th Road. He added that the bid submitted by all three bidders for replacing the existing culvert pipe under Braun Road with a concrete culvert pipe was the same and slightly higher than the cost for replacing the existing culvert pipe with a corrugated steel culvert pipe. The Board discussed the bids submitted for replacement of the 50th Road bridge over the East Branch of the Root River Canal and felt that the bids were too high to consider completing the project at this time, given the amount of 2014 Bridge Aid available and that the 2014 road reconstruction budget would be exceeded if the Board approved only the reconstruction of Braun Road and 50th Road. Hansen noted that the bid for the reconstruction work on Braun Road and 50th Road could be approved this evening but added that it would be contingent upon receiving approval from the electors to exceed the statutory per mile highway expenditure limit at the annual meeting in April.

Motion (McMahon, Gruhn) to approve the bid submitted by Black Diamond Group in the amount of \$586,627.00 for the reconstruction of Braun Road from Woodland Trail to South Sylvania Avenue and of 50th Road from 53rd Drive to North Sylvania Avenue and for the replacement of an existing culvert pipe under Braun Road with a reinforced concrete culvert pipe, contingent upon elector approval at the Annual Town Meeting in April to exceed the existing budget for road construction and to exceed the per mile highway expenditure limit allowed by Wisconsin Statutes 82.03(2), and to take no action on the bids submitted for replacement of the 50th Road bridge over the East Branch of the Root River Canal, MC.

Project plan preparation for rehabilitation of the 58th Road bridge over the East Branch of the Root River Canal

Madsen noted that this bridge rehabilitation project includes adding culvert extensions. Hansen recommended that the Board consider delaying any action on this agenda item until they can conduct a visual inspection of the bridge during their annual road inspection in April.

Motion (Gruhn, McMahon) to table this agenda item until after the Town Board inspects the bridge during their annual road inspection on April 8, 2014, MC.

Approval for the Deputy Clerk-Treasurer to complete Notary Public certification

Motion (McMahon, Hansen) to instruct the Deputy Clerk-Treasurer to complete her Wisconsin Notary Public certification, MC.

Reports

Constable's Report: O'Brien provided his report to the Board. He noted that he plans to contact Steven Jenkins at 17806 Spring Street regarding access to the property. He added that he contacted Arthur Lechner, Jr. regarding the vehicles stored on his property at 15418

Spring Street. He noted that Lechner has not been able to work on his vehicles recently and added that he planned to remove enough vehicles from the property to bring the property back into compliance with the variance issued to Lechner by Racine County in 1989.

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

Motion (Hansen, McMahon) to accept the Building Inspector's report as submitted, MC.

Engineer's Report: Madsen noted that he had no information to report to the Board.

Clerk's Report: McKinney provided his report to the Board. He noted that the upcoming spring election is on April 1 and added that absentee voting for that election begins on March 17. He noted that Hansen, Gruhn and Geschke will attend Board of Review training on March 15 in Whitewater. He added that he will be in a training session all day tomorrow to learn how to use the new water utility meter reading software. He noted that he received a complaint from a resident regarding noise coming from the Echo Lake Foods plant on Raymond Avenue. The Board considered adding the issue to the next joint Town Board/Plan Commission agenda and asked that McKinney contact the Constable to have him investigate the complaint.

He noted that he spoke to the Wisconsin Department of Transportation regarding road work planned for USH 45 north of Union Grove in 2017 and for USH 45 south of Union Grove in 2020. He added that this work would include widening shoulders, reducing ditch slopes, replacing pavement, adding turn lanes at the CTH A and USH 45 intersection and installing a roundabout at the CTH C and USH 45 intersection. He noted that he will contact Westbrook Associated Engineers for a 2014 bridge inspection service proposal. He also noted that the most recent service contract for the Constable expired in 2009. The Board requested that McKinney add an item to the March 24 Board meeting agenda for them to meet with the Constable in closed session to discuss a new contract and to add an agenda item to the April 14 meeting agenda to act on a new Constable contract.

Other – Comments, questions and suggestions

No comments, questions or suggestions were offered.

Adjournment

Motion (McMahon, Fink) to adjourn, MC. The meeting was adjourned at 7:48 p.m. The next regularly scheduled Town Board meeting is Monday, March 24, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer