

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