

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, DECEMBER 11, 2017**

Call to Order

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

Roll Call

The following Town Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Barbara Geschke, Robbie Funk and Dan Maurice. Douglas Nelson was absent. Also present were Tom Chambers representing TCTS LLC, Robert Gleason representing 2118 North Sylvania LLC, Joseph Jursenas and Domenico Ferrante representing Briohn Building Corporation, Darren Fortney and Randy Sanford representing Short Elliott Hendrickson, James Madlom representing Mueller Communications, Caitlin Sievers representing the Racine Journal Times, Jeanne Koivunen-Zuleta, Dan Minton, Jeffrey Lee, Yorkville Elementary School District Administrator Dave Alexander, Yorkville Sewer and Water Utility District Manager Gary Hanson, Yorkville Stormwater Utility District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Clerk-Treasurer Michael McKinney and three unidentified attendees.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the minutes for the November 15, 2017 Town Board/Special Town Elector meeting, the November 22, 2017 Town Board meeting, the November 27, 2017 Town Board meeting and the December 7, 2017 Town Board meeting as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

McMahon asked whether the Town would be reimbursed for Godfrey & Kahn's legal invoice. Hansen stated that expenses related to the Town's potential water diversion request would be reimbursed by Racine County.

Motion (Gruhn, McMahon) to approve payment of Town invoices as presented in the amount of \$108,646.98, MC.

Approval of Stormwater Invoices

Stephen Nelson stated that the \$20,000.00 invoice for the Racine County Board of Drainage Commissioners should not be paid at this time.

Motion (Gruhn, McMahon) to approve payment of Stormwater invoices as amended in the amount of \$51.00 and to table the request to pay the \$20,000.00 Racine County Board of Drainage Commissioners invoice, MC.

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

Certified survey map application submitted by TCTS LLC for the parcel located at 2626 49th Drive (Parcel ID # 018-03-21-01-002-000) in the B-3 (Commercial Service) and M-2 (General Industrial) Zoning districts to permit division of this approximately 61.5-acre parcel into a 4.82-acre parcel and an approximately 56.68-acre remnant parcel, and which includes a request to waive the following:

- Town of Yorkville Code of Ordinances Section 28-225(a), which requires that all parcels created by certified survey map, including the remnant parcel, be depicted on the certified survey map
- Town of Yorkville Code of Ordinances Section 28-84(d)(3), which does not allow the length of the side lot lines of a parcel to exceed the width of the parcel at the right-of-way line by more than a factor of 2.5:1
- Town of Yorkville Code of Ordinances Section 28-84(b)(1), which requires that lots be approximately rectangular in shape
- Town of Yorkville Code of Ordinances Section 28–226(6), which requires that soil boring locations be included on the certified survey map for all parcels to be served with a private on-site wastewater treatment system

Tom Chambers appeared before the Town Board and Plan Commission to discuss this application. He stated that he has no specific plans for the proposed 4.82-acre parcel. He added that there are no wetlands located on this parcel. He noted that the majority of the parent parcel is currently being used for agricultural purposes. McKinney noted that the proposed 4.82-acre parcel falls entirely within the B-3 zoning district.

Motion (Gruhn, Funk) to recommend approval of the certified survey map submitted by TCTS LLC for the parcel located at 2626 49th Drive (Parcel ID # 018-03-21-01-002-000) in the B-3 (Commercial Service) and M-2 (General Industrial) Zoning districts to permit division of this approximately 61.5-acre parcel into a 4.82-acre parcel and an approximately 56.68-acre remnant parcel, and to recommend that waivers be granted for the following sections of the Town of Yorkville Code of Ordinances:

- ***Section 28-225(a), which requires that all parcels created by certified survey map, including the remnant parcel, be depicted on the certified survey map;***
- ***Section 28-84(d)(3), which does not allow the length of the side lot lines of a parcel to exceed the width of the parcel at the right-of-way line by more than a factor of 2.5:1;***
- ***Section 28-84(b)(1), which requires that lots be approximately rectangular in shape;***

- **Section 28–226(6), which requires that soil boring locations be included on the certified survey map for all parcels to be served with a private on-site wastewater treatment system, with no conditions, MC.**

Motion (McMahon, Gruhn) to accept the Plan Commission’s recommendation and to approve the certified survey map submitted by TCTS LLC for the parcel located at 2626 49th Drive (Parcel ID # 018-03-21-01-002-000) in the B-3 (Commercial Service) and M-2 (General Industrial) Zoning districts to permit division of this approximately 61.5-acre parcel into a 4.82-acre parcel and an approximately 56.68-acre remnant parcel, with no conditions and no additional waivers necessary beyond those recommended by the Plan Commission, MC.

Site plan application submitted by 2118 North Sylvania LLC (with Robert Gleason as applicant/agent) for the parcel located at 2118 North Sylvania Avenue (Parcel ID # 018-03-21-01-021-000) in the M-3 (Heavy Industrial) and B-3 (Commercial Service) Zoning Districts to permit occupancy of the existing site and buildings at this address with an undamaged and damaged used vehicle auction platform fulfillment center known as Copart

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

- Occupancy of the existing site and buildings at this address would be with an undamaged and damaged used vehicle auction platform fulfillment center known as Copart
- All vehicles would be liquidated intact; no dismantling, draining of fluids, crushing or sale of parts would occur on-site
- Vehicles would not be stacked and would remain in storage for an average of 50-60 days
- This site would function as a satellite site for Copart’s facility located near Mitchell International Airport
- No vehicular traffic would back out onto North Sylvania Avenue
- No vehicular storage would be in the street yard of this facility, with a dedicated area for the loading and unloading of vehicles
- Storage would be for up to 800 vehicles

Madsen stated that Gleason needs to work with the Wisconsin Department of Natural Resources regarding their wetland delineation and navigability review requirements for this property. Hansen stated that the Town should condition approval of this request upon future review of the traffic impact created by this proposed use. Pruitt noted that the Town can reserve the right to require a review of the traffic impact created by this proposed use at its discretion.

Motion (Fink, Geschke) to recommend approval of the site plan application submitted by 2118 North Sylvania LLC (with Robert Gleason as applicant/agent) for the parcel located at 2118 North Sylvania Avenue (Parcel ID # 018-03-21-01-021-000) in the M-3 (Heavy Industrial) and B-3 (Commercial Service) Zoning Districts to permit occupancy of the existing site and buildings at this address with an undamaged and damaged

used vehicle auction platform fulfillment center known as Copart, with the following conditions:

- ***That the applicant work with the Wisconsin Department of Natural Resources regarding their wetland delineation and navigability review requirements for this property;***
- ***That the Town of Yorkville reserves the right to review at its discretion the impact of this facility's incoming and outgoing vehicular traffic on North Sylvania Avenue, MC.***

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the site plan application submitted by 2118 North Sylvania LLC (with Robert Gleason as applicant/agent) for the parcel located at 2118 North Sylvania Avenue (Parcel ID # 018-03-21-01-021-000) in the M-3 (Heavy Industrial) and B-3 (Commercial Service) Zoning Districts to permit occupancy of the existing site and buildings at this address with an undamaged and damaged used vehicle auction platform fulfillment center known as Copart, with no additional conditions necessary beyond those recommended by the Plan Commission, MC.

2118 North Sylvania Avenue junk or auto salvage facility license

Hansen noted that the Town needs to determine if Copart would need the junk or auto salvage facility license that was required of the preceding occupant of this site. Gleason stated that he wants the license to be transferred to him for this site.

Motion (Hansen, Gruhn) to transfer the Junk or Auto Salvage Facility License for 2118 North Sylvania Avenue from Freeway Auto Salvage, Inc. to Gleason Truck and Equipment, MC.

Public Hearing - The Town Board and Plan Commission held a joint public hearing to hear public comment on a two-year conditional use application submitted by 515 Reality Group (with Joseph Jursenas/Briohn Building Corporation/Briohn Design Group LLC as applicant/agent) for the vacant 7.03-acre parcel located between 910 South Sylvania Avenue and 1300 Grandview Parkway (Parcel ID # 018-03-21-13-008-000) in the B-3 (Commercial Service) Zoning District to permit construction of a 120-foot by 250-foot (30,000-square foot) commercial bakery facility with a small retail operation on the north side of this property with 52 parking spaces along the front of the building (Phase I) and to permit construction of a 120-foot by 200-foot (24,000-square foot) expansion of this proposed facility to the south and installation of an additional 84 parking spaces along the front and rear of the proposed expansion (Phase II)

Hansen opened the public hearing at 6:25 p.m.

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

- Construction of a 120-foot by 250-foot (30,000-square foot) commercial bakery facility with a building height of 29 feet on the north side of this property (Phase I)

- The exterior walls of this facility to be composed of three-tone painted concrete pre-cast insulated wall panels, with the principal façade including insulated tinted glazing with clear anodized aluminum framing
- The rear elevation of this facility to include four overhead loading dock doors and two larger at-grade overhead doors
- This facility to have one to two trucks parked on the premises at any given time
- This facility to have approximately 75 employees split between office and production areas, with additional employees brought on for seasonal work
- Hours of operation for the office area to be 9:00 a.m. to 5:00 p.m., Monday through Friday
- Standard hours of operation for the production area to be 5:30 a.m. to 5:00 p.m. for the first shift, Monday through Friday, and 5:30 p.m. to 11:00 p.m. for the second shift on an as-needed basis with the possibility of a third shift to be added as well
- Depending on seasonal needs, production to run up to seven days per week
- This facility to include a small retail operation occupying up to 1,500 to 2,000 square feet of space for the sale of fresh bakery products
- This facility to have 52 parking spaces along the front of the building
- Long-term development plans for this parcel (Phase II) to include a 120-foot by 200-foot (24,000-square foot) expansion of this proposed facility to the south and the installation of an additional 84 parking spaces along the front and rear of the proposed expansion

The Town Board and Plan Commission discussed the need for the applicant to install a berm with a vegetative buffer along the entire north property line that is sufficient to limit the impact of the light and noise generated by this facility. Jursenas noted that this facility would not have night deliveries. He added that he does not know when the proposed facility would be expanded. Madsen stated that the applicant will need to provide stormwater, drainage and utility plans for this proposed development.

Hansen provided a report on the proposed water use and wastewater discharge of this proposed facility. He stated that the proposed water consumption and wastewater discharge levels of this proposed facility fall within acceptable limits. He noted that the proposed wastewater discharge for this proposed facility would exceed the limits provided in the Town's ordinances for biochemical oxygen demand (BOD) and total suspended solids (TSS), adding that proposed BOD levels are 37 times and TSS levels twice what is permitted in the Town's ordinances. He stated that the applicant would either need to pay a large surcharge for exceeding these limits, establish a pretreatment procedure or have the sewer discharge hauled away to be treated elsewhere. He noted that the estimated discharge of total suspended solids by this proposed facility would cause a significant increase in sludge hauling and could affect the wastewater plant's clarifier. He stated that the estimated discharge of chloride, phosphorus and ammonia from this proposed facility would fall within acceptable limits.

With no other comments forthcoming, Hansen closed the public hearing at 6:45 p.m.

Two-year conditional use application submitted by 515 Reality Group (with Joseph Jursenas/Briohn Building Corporation/Briohn Design Group LLC as applicant/agent) for the vacant 7.03-acre parcel located between 910 South Sylvania Avenue and 1300 Grandview Parkway (Parcel ID # 018-03-21-13-008-000) in the B-3 (Commercial Service) Zoning District to permit construction of a 120-foot by 250-foot (30,000-square foot)

commercial bakery facility with a small retail operation on the north side of this property with 52 parking spaces along the front of the building (Phase I) and to permit construction of a 120-foot by 200-foot (24,000-square foot) expansion of this proposed facility to the south and installation of an additional 84 parking spaces along the front and rear of the proposed expansion (Phase II)

Hansen stated that the applicant would need to develop a plan of action for reducing the contribution of biochemical oxygen demand (BOD), total suspended solids (TSS), phosphorus, ammonia, nitrogen, pH, zinc and chlorides by this facility so as to comply with the discharge limits set forth in the Town of Yorkville's Code of Ordinances.

Motion (Geschke, Fink) to recommend approval of the two-year conditional use application submitted by 515 Reality Group (with Joseph Jursenas/Briohn Building Corporation/Briohn Design Group LLC as applicant/agent) for the vacant 7.03-acre parcel located between 910 South Sylvania Avenue and 1300 Grandview Parkway (Parcel ID # 018-03-21-13-008-000) in the B-3 (Commercial Service) Zoning District to permit construction of a 120-foot by 250-foot (30,000-square foot) commercial bakery facility with a small retail operation on the north side of this property with 52 parking spaces along the front of the building (Phase I) and to permit construction of a 120-foot by 200-foot (24,000-square foot) expansion of this proposed facility to the south and installation of an additional 84 parking spaces along the front and rear of the proposed expansion (Phase II), with the following conditions:

- That the applicant installs a berm with a vegetative buffer along the entire north property line that is sufficient to limit the impact of the light and noise generated by this facility;***
- That the applicant develops a plan of action deemed acceptable by the Yorkville Sewer Utility for reducing the contribution of biochemical oxygen demand (BOD), total suspended solids (TSS), phosphorus, ammonia, nitrogen, pH, zinc and chlorides by this facility so as to comply with the discharge limits set forth in the Town of Yorkville's Code of Ordinances, MC.***

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the two-year conditional use application submitted by 515 Reality Group (with Joseph Jursenas/Briohn Building Corporation/Briohn Design Group LLC as applicant/agent) for the vacant 7.03-acre parcel located between 910 South Sylvania Avenue and 1300 Grandview Parkway (Parcel ID # 018-03-21-13-008-000) in the B-3 (Commercial Service) Zoning District to permit construction of a 120-foot by 250-foot (30,000-square foot) commercial bakery facility with a small retail operation on the north side of this property with 52 parking spaces along the front of the building (Phase I) and to permit construction of a 120-foot by 200-foot (24,000-square foot) expansion of this proposed facility to the south and installation of an additional 84 parking spaces along the front and rear of the proposed expansion (Phase II), with no additional conditions necessary beyond those recommended by the Plan Commission, MC.

Short Elliott Hendrickson presentation and discussion on possible amendments to the Town of Yorkville's comprehensive plan and the "Multi-Jurisdictional Comprehensive Plan for Racine County: 2035"

Authorization to publish a notice of public hearing on proposed amendments to the Town of Yorkville's comprehensive plan and the "Multi-Jurisdictional Comprehensive Plan for Racine County: 2035"

Darren Fortney and Randy Sanford appeared before the Town Board and Plan Commission to discuss this agenda item. They discussed the proposed changes to the Town's comprehensive plan, adding that these changes include converting a large area in the southeast portion of the Town to Urban Reserve and Medium-Density Residential uses. They noted that creating this residential area will improve the likelihood that the Racine Water Utility District's Lake Michigan water diversion application will be approved. Pruitt noted that the Town would need to update its comprehensive plan in order to participate in this water diversion request. He added that the Town would need to publish a 30-day public hearing notice in advance of the approval of any amendments to the comprehensive plan. The Town Board discussed scheduling both a public hearing and a public informational meeting for this purpose. They also discussed taking action on any comprehensive plan amendments at their meeting on January 22.

Motion (Hansen, McMahon) to authorize the publication of a notice of public hearing on proposed amendments to the Town of Yorkville's comprehensive plan and the "Multi-Jurisdictional Comprehensive Plan for Racine County: 2035", and to schedule a public informational meeting on proposed amendments to the Town of Yorkville's comprehensive plan at 6:00 p.m. on Thursday, January 11, 2018, and a public hearing on proposed amendments to the Town of Yorkville's comprehensive plan at 6:00 p.m. on Wednesday, January 17, 2018, MC.

Possible retention of Mueller Communications for communications and public relations purposes

James Madlom discussed the services offered by Mueller Communications. He noted that his firm would be present for both the public informational meeting and the public hearing related to proposed amendments to the Town of Yorkville's comprehensive plan.

Motion (Gruhn, Hansen) to retain the services of Mueller Communications for communications and public relations purposes, MC.

Racine Water Utility District water diversion request update

Hansen stated that this water diversion request must be submitted by January 26.

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

Update on potential development affecting the Town of Yorkville

Hansen stated that he has no update on this agenda item.

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

Patrick W. Romenesko contract for the 2017 Financial Audit of the Town General Fund, Sewer Utility District Fund, Water Utility District Fund and Stormwater Utility District Fund

Authorization to submit a request for proposals for auditing services

McKinney stated that Patrick Romenesko informed him that he would no longer be able to perform financial audits for the Town due to a change in staffing in his office. He noted that Romenesko requested that the Town Board rescind the Town's contract with him that they approved at their November 27 meeting. He added that Romenesko did offer to work with the Town as a consultant through another auditing firm from Madison. The Town Board requested instead that McKinney contact local auditing firms for proposals for auditing services, but opted against issuing a formal request for proposals for this work.

Motion (Hansen, Gruhn) to rescind the contract with Patrick W. Romenesko for the 2017 Financial Audit of the Town General Fund, Sewer Utility District Fund, Water Utility District Fund and Stormwater Utility District Fund, MC.

58th Road/67th Drive vision triangle issues

Madsen stated that the trees along 58th Road near the southwest corner of 58th Road and 67th Drive are located within the 58th Road right-of-way. Pruitt stated that the Town Board can treat this as a nuisance issue and issue a ten-day notice by certified mail to the property owner instructing the property owner to have the trees removed.

Motion (Hansen, McMahon) to authorize the Town's attorney to send a ten-day nuisance notice by certified mail to the owner of the property located at 18025 58th Road requiring that the property owner remove the trees located within the 58th Road right-of-way at the southwest corner of 58th Road and 67th Drive, MC.

Resolution No. 2017-14 Amending the Town Of Yorkville's 2017 General Fund annual budget

Motion (McMahon, Gruhn) to adopt Resolution No. 2017-14 as presented, MC.

Resolution No. 2017-15 Appointing 2018-2019 Election Inspectors

Motion (Gruhn, McMahon) to adopt Resolution No. 2017-15 as presented, MC.

Application for a 2017-2018 annual Operator License submitted by Karin Renz

Motion (McMahon, Gruhn) to grant a 2017-2018 annual Operator license to Karin Renz, with no conditions, MC.

Reports

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

Motion (Hansen, Gruhn) to approve and file the Building Inspector's report as

presented, MC.

Engineer's Report: Madsen reported to the Town Board on the following:

- That his office is working on engineering plans for next year's road projects
- That the Town adopted the Southeastern Wisconsin Regional Planning Commission's comprehensive plan for Wisconsin's portion of the Des Plaines River watershed in 2004

McMahon asked whether any funding exists at the state level for culvert-related improvements.

Yorkville Stormwater Utility District Report: Stephen Nelson noted that he had no information to report to the Town Board.

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

- That the following requests will likely appear on the January 8 joint Town Board/Plan Commission meeting agenda:
 - 14520 Braun Road conditional use application
 - 2916 North Sylvania Avenue site plan application

Other – Comments, questions and suggestions

Geschke asked whether any progress has been made on the Town's proposed ordinance allowing or regulating trailers, or the boxes of trailers without axles and/or wheels, and storage pods to be utilized for storage on parcels within the Town. McKinney stated that he has not received a draft ordinance. McMahon asked whether the Town Board should discuss the implementation of development impact fees at their next meeting. Gruhn asked about the upcoming meeting regarding the Wisconsin Department of Transportation's proposed upgrades to several bridges along Washington Avenue (STH 20).

Adjournment

Motion (Gruhn, McMahon) to adjourn, MC. The meeting was adjourned at 8:10 p.m. The next scheduled Town Board meeting is Wednesday, December 27, 2017, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer