

MINUTES

**TOWN OF YORKVILLE
JOINT TOWN BOARD/PLAN COMMISSION
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JANUARY 8, 2018**

Call to Order

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

Roll Call

The following Town Board members were present: Peter Hansen, Sherry Gruhn and Terrence McMahon. The following Plan Commission members were present: Peter Hansen, Sherry Gruhn, Gary Fink, Douglas Nelson, Robbie Funk and Dan Maurice. Barbara Geschke was absent. Also present were Troy Miller representing Roland Machinery, Terrence O'Brien representing OBCO, LLC, Greg Reesman representing Reesman's Excavating & Grading, Jeffrey Knuth, James Dabbs, Tom Peterson, John Ames, Jr., Maria Sandoval, Tom Gehrand, Jessie Dabbs, Scott Sorce, Stacey Piper-Milkie, Morgan McCoy representing Ne-Li LLC, Donald Buchanan, Cory Bartlett, Sara Jamison, Samuel Bratz, Steven Voge, Martin Welbon, Daniel Haas, Evan Bratz, Virginia Bower, Ann Voge, Paul Perman, Amanda Welbon, Joseph Nowak, Dan Minton, Tom Jung, Yorkville Stormwater Utility District Commission Chair Stephen Nelson, Engineer Mark Madsen, Attorney Tim Pruitt, Clerk-Treasurer Michael McKinney and approximately twenty unidentified attendees.

Approval of Minutes

Motion (Gruhn, McMahon) to approve the minutes for the December 27, 2017 Town Board meeting and the January 2, 2018 Town Board meeting as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Town Invoices

Motion (McMahon, Gruhn) to approve payment of Town invoices as presented in the amount of \$46,479.81, MC.

Approval of Stormwater Invoices

Hansen noted that no Stormwater invoices were presented for payment.

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

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

Site plan application submitted by RR Family, LLC (with Larry Gindville/Roland Machinery as applicant/agent) for site plan approval for the parcel located at 2916 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-000) in the M-3 (Heavy Industrial) Zoning District to permit backfilling of ±115 feet on the western edge of the property for storage of construction equipment, including extending the existing fencing to encompass the area

Troy Miller appeared before the Town Board and Plan Commission to discuss this application. He stated that Roland Machinery is backfilling this area to bring it level with the remainder of the lot. He added that the backfill material would be gravel and work would not begin until spring. Madsen noted that since this area drains into a regional stormwater pond, this request would not require any stormwater review.

Motion (Fink, Nelson) to recommend approval of the site plan application submitted by RR Family, LLC (with Larry Gindville/Roland Machinery as applicant/agent) for site plan approval for the parcel located at 2916 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-000) in the M-3 (Heavy Industrial) Zoning District to permit backfilling of ±115 feet on the western edge of the property for storage of construction equipment, including extending the existing fencing to encompass the area, with no conditions, MC.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to approve the site plan application submitted by RR Family, LLC (with Larry Gindville/Roland Machinery as applicant/agent) for site plan approval for the parcel located at 2916 North Sylvania Avenue (Parcel ID # 018-03-21-01-001-000) in the M-3 (Heavy Industrial) Zoning District to permit backfilling of ±115 feet on the western edge of the property for storage of construction equipment, including extending the existing fencing to encompass the area, with no conditions, MC.

Public Hearing - The Town Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by OBCO, LLC (with Terrence O'Brien as applicant/agent) for conditional use approval for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) in the M-4 (Quarrying) Zoning District to permit re-establishment of a non-metallic mining operation (clay extraction), including the creation of a pond and a Resource Conservation Area (RCA)

Hansen opened the public hearing at 6:04 p.m.

Greg Reesman appeared before the Town Board and Plan Commission on behalf of the applicant to discuss this application. He stated that the applicant proposes to mine clay from the property and establish a pond in the mined area once mining is completed. He noted that this mining operation should be completed within two years. He stated that hours of operation would be 6:00 a.m. to 6:00 p.m., Monday through Friday, and 6:00 a.m. to 1:00 p.m. on Saturdays. Hansen cited concerns over the potential damage to Braun Road as well as whether the bond established in the past for any repairs to road damage would be sufficient for this project. He also questioned whether this proposed use would be in accordance with the Town's land use plan, whether any tiles would be damaged by this work and whether there would be a turn lane from Braun Road into the project site.

No one spoke in support of this proposal.

The following individuals spoke in opposition to this proposal:

- Jeffrey Knuth, 14407 Braun Road
- James Dabbs, 14305 Braun Road
- Tom Peterson
- John Ames, Jr., 14722 Braun Road
- Maria Sandoval, 14800 Braun Road
- Tom Gehrand, 15228 Braun Road
- Jessie Dabbs, 14329 Braun Road
- Scott Sorce, 14705 Braun Road
- Stacey Piper-Milkie, 14601 Braun Road

Comments in opposition to this proposal focused on concerns related to the following issues:

- The increase in vehicular traffic and damage to Braun Road
- Impact on local wells
- Impact on stormwater drainage and nearby wetlands
- Impact on property values
- That the applicant no longer lives next door to the subject property
- Whether the project will need to be extended beyond its proposed end date
- Proposed hours of operation
- Noise and dust pollution
- Pond and traffic safety
- That the local area is largely rural residential

The applicant, Town Board and Plan Commission discussed concerns related to the potential for well contamination, dust control, daily vehicular traffic, pond design, and whether Wisconsin Department of Natural Resources approval would be required for this project.

With no other comments forthcoming, Hansen closed the public hearing at 7:11 p.m.

Conditional use application submitted by OBCO, LLC (with Terrence O'Brien as applicant/agent) for conditional use approval for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) in the M-4 (Quarrying) Zoning District to permit re-establishment of a non-metallic mining operation (clay extraction), including the creation of a pond and a Resource Conservation Area (RCA)

The applicant, Town Board and Plan Commission discussed stormwater runoff, the potential for well contamination, long-term plans for the property and whether the proposed use is the best use of the property.

Motion (Gruhn, Fink) to table the conditional use application submitted by OBCO, LLC (with Terrence O'Brien as applicant/agent) for conditional use approval for the property located at 14520 Braun Road (Parcel ID # 018-03-21-25-015-000) in the M-4 (Quarrying) Zoning District to permit re-establishment of a non-metallic mining

operation (clay extraction), including the creation of a pond and a Resource Conservation Area (RCA), until the February 12, 2018 joint Town Board/Plan Commission meeting, MC.

Public Hearing - The Town Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by Donald Buchanan and Mackenzie Bishop-Buchanan (with Melissa Gallick/Ne-Li LLC as applicant/agent) for conditional use approval for the property located at 15125 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-028-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing residence and site with an animal hospital, with future plans including construction of a new animal hospital and utilization of the existing detached garage as an animal rehabilitation center

Hansen opened the public hearing at 7:24 p.m.

Morgan McCoy appeared before the Town Board and Plan Commission to discuss this application. She stated that the proposed use of this property is conversion of the existing residence into a small animal hospital, with existing garage space converted into an animal rehab center. She noted that she is getting estimates for construction of a larger facility with parking on this site, adding that the existing residence would then be converted into a grooming facility once that larger facility is constructed.

Donald Buchanan, 15125 Washington Avenue (STH 20) (subject property owner) spoke in support of this proposal – he stated that this residence is very close to Washington Avenue (STH 20) and added that traffic volume has increased over time. He noted that this residence’s proximity to Washington Avenue (STH 20) diminishes its viability as a residential property.

The following individuals spoke in opposition to this proposal:

- Cory Bartlett, 15055 Plank Road (CTH A)
- Sara Jamison, 15225 Washington Avenue (STH 20)
- Samuel Bratz, 15137 Washington Avenue (STH 20)
- Steven Voge, 14633 Plank Road (CTH A)
- Martin Welbon, 15005 Washington Avenue (STH 20)
- Daniel Haas, 14918 Plank Road (CTH A)
- Evan Bratz, 15137 Washington Avenue (STH 20)
- Virginia Bower, 14923 Washington Avenue (STH 20)
- Ann Voge, 14633 Plank Road (CTH A)
- Paul Perman, 15518 Ives Grove Road
- Amanda Welbon, 15005 Washington Avenue (STH 20)

Comments in opposition to this proposal focused on concerns related to the following issues:

- Increase in traffic volume, including vehicles making U-turns on Washington Avenue (STH 20)
- Light and noise pollution
- Water and wastewater needs of such an operation
- Waste management

- Disposal and abuse of medication from this facility
- Elimination of a residential property from the Town
- The impact of the proposed expansion of this facility, including stormwater drainage
- Property maintenance, including the removal of trees on the property
- Loss of the existing rural residential atmosphere
- That this property would not be the ideal location for a business

Bartlett and Jamison presented a petition to the Town Board and Plan Commission in opposition to the proposed use that was signed by 78 individuals.

With no other comments forthcoming, Hansen closed the public hearing at 8:06 p.m.

Conditional use application submitted by Donald Buchanan and Mackenzie Bishop-Buchanan (with Melissa Gallick/Ne-Li LLC as applicant/agent) for conditional use approval for the property located at 15125 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-028-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing residence and site with an animal hospital, with future plans including construction of a new animal hospital and utilization of the existing detached garage as an animal rehabilitation center

The Town Board and Plan Commission discussed their concerns related to this request, including whether such a use would be better suited at another location in an area with fewer residences, lighting, traffic volume, and water and wastewater needs.

McCoy stated that some of the comments provided during this evening's public hearing are based upon misconceptions about this proposed use that should be addressed.

Pruitt stated that since this proposed use is commercial in nature, the Town's comprehensive plan land use map should be amended to show this parcel as having a commercial land use designation prior to any approval of this request.

Motion (Fink, Maurice) to recommend denial of the conditional use application submitted by Donald Buchanan and Mackenzie Bishop-Buchanan (with Melissa Gallick/Ne-Li LLC as applicant/agent) for conditional use approval for the property located at 15125 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-028-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing residence and site with an animal hospital, with future plans including construction of a new animal hospital and utilization of the existing detached garage as an animal rehabilitation center, motion carried with Nelson voting no.

Motion (McMahon, Gruhn) to accept the Plan Commission's recommendation and to deny the conditional use application submitted by Donald Buchanan and Mackenzie Bishop-Buchanan (with Melissa Gallick/Ne-Li LLC as applicant/agent) for conditional use approval for the property located at 15125 Washington Avenue (STH 20) (Parcel ID # 018-03-21-11-028-000) in the A-2 (General Farming and Residential II) Zoning District to permit occupancy of the existing residence and site with an animal hospital, with future plans including construction of a new animal hospital and utilization of the existing detached garage as an animal rehabilitation center, MC.

58th Road/67th Drive vision triangle issues

The Town Board discussed various alternatives for addressing this issue and opted to place a stop bar (line) on northbound 67th Drive at 58th Road.

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

Racine Water Utility District water diversion request update

Update on potential development affecting the Town of Yorkville

Hansen noted that a public information meeting will be held Thursday to present proposed amendments to the Town's comprehensive plan. He added that discussions with neighboring municipalities regarding the potential extension of water and sewer service to the Town are also ongoing.

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

April 3, 2018 incorporation referendum language

The Town Board reviewed proposed language for the April 3, 2018 incorporation referendum.

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

Scheduling incorporation referendum public information meetings

Motion (Hansen, McMahan) to schedule an incorporation referendum public information meeting on Thursday, February 22, 2018, at 6:00 p.m., in the Union Grove Municipal Center Community Room (1st Floor), MC.

Resolution No. 2018-02 Amending the Town Of Yorkville's 2017 General Fund annual budget

Motion (Gruhn, McMahan) to adopt Resolution No. 2018-02 as presented, 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 the engineering plans for this year's road projects, adding that these projects will likely be bid out in March
- He asked whether the final assessments for the 2017 Storage Authority (19031 Spring

Street (CTH C)) drainage basin modification project have been finalized. McKinney stated that he has not received the final invoices for this project.

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 February 12 joint Town Board/Plan Commission meeting agenda:
 - Preliminary plat for seven existing parcels at the southeast corner of the North Colony Avenue (USH 45) and Washington Avenue (STH 20) roundabout
 - 15838 County Line Road (CTH KR) certified survey map application
- That no suitable replacement has been identified to replace the resigning joint Dover-Yorkville Municipal Court judge
- That there is a public information meeting on January 11 and a joint Town Board/Plan Commission public hearing on January 17 relating to proposed changes to the Town's comprehensive plan land use map. He added that there is a joint Town Board/Plan Commission meeting scheduled for January 22 to consider action on those proposed changes.

Other – Comments, questions and suggestions

Joseph Nowak addressed the Town Board regarding an upcoming meeting scheduled by the Woodland Waters subdivision's homeowner's association to discuss the status of the dam located within the subdivision's conservation easement area.

Dan Minton addressed the Town Board regarding proposed legislation at the state level related to how meeting minutes are published.

Tom Jung addressed the Town Board regarding the conditional use application submitted for the property located at 14520 Braun Road.

Adjournment

Motion (Gruhn, McMahon) to adjourn, MC. The meeting was adjourned at 9:02 p.m. The next scheduled Town Board meeting is Wednesday, January 17, 2018, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer