

June 24, 2013

The regular meeting of the Yorkville Town Board, along with the Yorkville Planning Commission was called to order at 6:00PM, June 24, 2013 in the Yorkville Board Room, 925 15th Avenue, Union Grove by Chairman Peter L. Hansen. Present were Chairman Hansen, Supervisors Gruhn and McMahon, Commissioners Fink, Geschke and Root, Attorney Pruitt, Engineer Madsen, Assessor Henke and the Clerk-Treasurer. Absent were Commissioners Skewes and Nelson.

Minutes of the June 10th & 17th meetings were approved as printed on a motion from Supervisor Gruhn, second by Supervisor McMahon and motion carried.

Invoices in the amount of \$16,735.61 were approved for payment along with the request of Supervisor McMahon to include the first half of the roadway mowing contract for Two Ski Services in the amount of \$9,500. The final total then would be \$26,235.61. Supervisor Gruhn seconded the motion which then passed.

Chairman Hansen introduced Margaret Gesner, Health Officer and Keith Hendricks, Director of Environmental Health associated with Central Racine County Health Department to give the town a brief overview of the services offered by their health department. The Town of Yorkville presently has been associated with Western Racine County Health Department and the town is currently interested in learning about services offered from other departments in Racine County. Gesner reported she had started her nursing career in hospitals and went into public health, obtaining a public health nurse master's degree and has worked twenty years in Racine County as such. Hendricks has an environmental bachelor degree along with public health sanitation working the last four years with Central Racine Health Dept. This organization currently covers the Villages of Mt. Pleasant and Union Grove, Towns of Waterford and Caledonia as well as North Bay. The three areas they address are in the communicable disease area, environmental health and emergency health. Data bases and web based information provides them with keeping up to date on immunizations through the state data base. At the present time the state law only allows under insured, Medicaid or no insurance individuals to be able to obtain immunizations from public health organizations. Clinics are held weekly for those who qualify for these services. In home visits are made to home bound people as well as lead programs being offered, blood pressure tests and immunizations including tetanus shots. They are on a constant lookout for the needs and concerns of the residents. Hendricks told of his department doing a big portion of their work as an agent for the Wis. Dept. of Health & Ag Services and the DNR to test water, license & inspect all food establishments in the community. They also license all swim pools, do school food inspections etc. as agents for the state departments. These inspections are all done once a year and based on risk need, more times if needed. Unsafe living conditions can also be a reason for inspection. Church events, fair grounds etc. who offer food are inspected for safety etc. Radon test kits are available along with rabies follow up to prevent spread of rabies. This office also inspects and/or samples nearly 30 wells a year. Gesner wrapped up the presentation by saying they are governed by intermunicipal agreement where towns and villages pay on a per capita basis and no added costs.

or outbreaks etc. Right now their cost is \$7.08 which is currently one half of the state average for health departments. They continue to subsidize costs with grants being written and obtained.

Echo Lake Foods had requested a conditional use permit amendment which would see an increase of employment allowance going from 125 to 225 persons. The biggest concern of neighbors still seems to be the noise. Jerry Warntjes of Echo Lakes showed noise readings from before their upcoming proposed installation of sound proofing by Acoustiblok. He noted they would then take the same readings after installation which hopefully will show less noise from the compressor room. Mr. Jay Boland of Acoustiblok has written a letter of recommendations for the compressor room based off their experience with this type of noise issue and similar equipment. While he cannot guarantee specific percentage reduction, his products and sound consultants have been proven to provide positive results in many past projects he stated. Discussion of the siren like noise may be attributable to the air liquid truck with the possibility of changing things on their time and noise according to Warntjes. A request for 158 parking stalls should be done to the east and south and leave the ten northerly stalls to be the last opened to avoid noise to the northerly neighbor's home according to Chairman Hansen. The representatives of Echo Lakes asked they be called for noise before neighbors calling the police. Terry Repta, employee of Echo Lakes states they have no alarm system in the plant, no PA system etc. Chairman Hansen called on Mrs. Smith of 2436 Raymond Avenue to explain her problem with the noises to which she stated her home is elevated higher than the road and the noise comes straight over and up to them. It is a high exhaust pitch and a pulsating noise she explained. She, along with William Christensen, again stated they are not pro-business but only asking to lower the noise levels. Conversation continued on compressor noises being worked on along with requests being made that calls come to the company at the time of highest noise problems rather than the Sheriff Department so that they can try to ascertain the cause.

Commissioner Fink moved that the Planning Commission amend the Echo Lakes Foods conditional use permit to increase employment from 125 to 225 employees along with the continuing changes to alleviate noise conditions. Commissioner Root seconded the motion which then carried. Supervisor McMahan moved to adopt the Planning Commission recommendation with Supervisor Gruhn seconding the motion which then carried. Telephone numbers were exchanged to all for calls to the company at times of noise. Chairman Hansen moved that Echo Lakes Foods can begin work on the process of putting in acoustic block and soundproofing in the compressor room. Supervisor McMahan seconded the motion which carried. Warntjes reports he will have the project done in four weeks.

Dean Steger, owner of 2332 N. Sylvania Avenue, appeared before the Board with drainage problems and questions on a ditch along his property and the State DOT starting work soon on the West frontage road for the widening of I-94. Various pictures were shown of the water problems with water backing up and cat tails growing everywhere. He has spoken with various officials at the DOT with little satisfaction on the problem. After conversation and questions being answered as best as he could and being a new owner, he is looking for answers to his

problem. Engineer Madsen told of the need to obtain the DOT set of plans to find out who is responsible for the work and whether it is on State property or private property. Questions arose as to the town's responsibility. Supervisor McMahan moved to authorize our Engineer Mark Madsen to contact the DOT and find out ways to solve the problem. Supervisor Gruhn seconded the motion which then carried.

Jeff and Roxanne Knuth, owner of land purchased along Braun Road in 2011, which was then assessed at \$58,300 for the five acre parcel. The assessor stated the land may have been misclassified which affected the taxes due for the parcel on the 2012 tax roll. Mr. Knuth stated he had purchased the five acre parcel to have a continued usage for farming. The assessor stated he had received the notice of sale of the small parcel along with plans showing a septic system etc. for the parcel and thus he assessed the parcel as residential. The land owner, Knuth, says he never received a copy of the notice of assessment which would have been mailed to his current address in Kenosha in which he would have been apprised of the valuation and also the assessment objection procedure. Knuth failed to appear before at the open book sessions and did not file for the Board of Review due to his failure of obtaining the notice of assessment he stated. Discussion followed as how he could remedy the five acres being assessed as residential land with resulting taxes in the amount of \$1,093.78 versus the assessment being lower if it had been assessed as farmlands. Since the original purchase of five acres, Knuth has purchased another ten acres to adjoin the original sale making the total lot of 15 acres which is to be assessed as farm lands for the 2013 tax roll according to Henke. The assessor reviewed his actions on the assessment and the non-appearance at open book or board of review by Knuth contesting his assessment. Knuth was made aware of the error in assessment when talking with the farmer who rented the lands saying Knuth should only be paying five dollars an acre when assessed as farm land when he actually paid \$200/acre. Review of the facts presented prompted Attorney Pruitt to tell of the State Statute for this situation whereby if someone files timely claims there is a process to work out a solution but this case has gone beyond all time frames whereby palpable or clerical errors must be filed by January 31, 2013. Discussion again followed as to why he did not attend open book or board of review and being told by Attorney Pruitt that there is no authority to charge back these taxes under the state statutes if a claim is not made in a timely fashion. Discussion followed as to a mistake having been made by the assessor assuming the lot was to be kept classified as farming but with a CSM showing 300' of frontage and septic system he did what was indicated as a residence to be established here.

Commissioner Geschke, also serving as a Board of Review member, noted her course studies needed to serve in this capacity, strongly states that one must appear before the Board of Review and Open Book in order to change any assessment as per state statutes. Supervisor McMahan agreed there is no corrective action can be taken due to state statutes and limitations preventing that. Attorney Pruitt stated the Board needed to take up a motion to disallow and deny the claim with the last recourse for Knuth being filing papers with the circuit court. Chairman Hansen then moved that we disallow the claim of Jeff & Roxanne Knuth whereby they are requesting a claim to lower the assessment on their 2012 tax bill for the five acre parcel. Supervisor McMahan seconded the motion which then carried.

Southeastern Wisconsin Regional Planning Commission has provided the Town with a copy of their planning report no. 54, A Regional Housing Plan for Southeastern Wisconsin, 2035. Having read the summary, both Supervisor McMahon and Chairman Hansen suggested we sign a resolution for the Town Endorsement of the year 2035 Regional Housing Plan for Southeastern Wisconsin. The recommendations include sewer districts being looked at closely as a place for affordable housing if feasible. Supervisor McMahon moved to accept the resolution for endorsement of the 2035 Regional Housing Plan for Southeastern Wisconsin. Supervisor Gruhn seconded the motion which carried.

The road bonding for remodeling projects was on the agenda due to recent road failure on Deer Path due to construction equipment driving off road through the ditches to reach the home being worked on and subsequent damage to the road. There is already an ordinance #10-143 whereby the judgment of the building inspector can permit him to charge up to a \$2000 bond for deposit with the town to cover any damages. Attorney Pruitt stated if we change the ordinance then the two subdivisions, Woodland Waters and Stonecrest Shores could also be included in such. Engineer Madsen was instructed to write a letter to the homeowner at 707 Deer Path requesting damages to the road be addressed by them and the contractor. Attorney Pruitt is to work on a possible ordinance wording change.

Temporary Class B Licenses for Homerun Heaven, 34000 So. Sylvania Avenue was presented with Israel Vargas now wishing to change the date of one rodeo from July 7th to July 14th. Vargas answered questions on the two rodeos along with a dog show on August 17th and Supervisor Gruhn moved to grant the temporary Class B permits for the three events on July 14, 21st and August 17th. Supervisor McMahon seconded the motion which then carried.

Supervisor McMahon moved to approve temporary operator licenses to William Maurice, Dennis Rockwell, Dale Kerkman, Ron Crawley and John Seitz to be used at Racine County Fair, July 24th – 28th. Supervisor Gruhn seconded the motion which then carried.

Supervisor McMahon moved to grant operator's licenses to Jana Martinok, Michael Pynaker, Korey Hintz and Myron Tucker for use at Iron Skillet. Supervisor Gruhn seconded the motion which then carried.

Engineer Madsen reported the 67th Drive bid figures are available for approval but due to not being on the agenda will have to be addressed on the July 8th agenda.

Supervisor McMahon told of his request to Two Ski Services to provide us with a firm figure for roadside mowing between September 1st and 15th to be considered in the upcoming budget.

With no further business coming before the meeting, Commissioner Fink moved to adjourn, second by Commissioner Geschke and motion carried. Chairman Hansen then adjourned the meeting at 8:15 PM

Judy Aimone, Clerk-Treasurer