

MINUTES

**TOWN OF YORKVILLE
TOWN BOARD
TOWN BOARD ROOM
UNION GROVE MUNICIPAL CENTER
WEDNESDAY, MAY 28, 2014**

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. Also present were Yorkville Stormwater District Chair Steve Nelson, Dave Blank representing the Racine County Convention and Visitors Bureau, Engineer Mark Madsen and Clerk-Treasurer Michael McKinney.

Approval of Minutes

Motion (McMahon, Hansen) to approve the May 12, 2014 joint Town Board/Plan Commission meeting minutes as submitted, Motion Carried (MC).

Approval of Town Invoices

Motion (Hansen, McMahon) to approve Town invoices in the amount of \$14,977.01, MC.

Approval of Stormwater Invoices

McKinney noted that there were no stormwater invoices submitted to the Town Board for approval.

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

Special Event Permit application submitted by Dave Blank for the It's Glow Time 5K Fun Run at the Racine County Fairgrounds, 19805 Durand Avenue, from 12:00 p.m. to 12:00 a.m., on Saturday, June 7, 2014

Dave Blank appeared on behalf of the Racine County Convention and Visitors Bureau regarding this application. He noted that this event has less lighting than the Electric Run event held last year. He added that he expects 1,500 people to attend the event. He noted that the race will run from 8:30 p.m. to 10:30 p.m. He added that security will be present.

Motion (McMahon, Hansen) to approve the Special Event Permit application submitted by Dave Blank for the It's Glow Time 5K Fun Run at the Racine County Fairgrounds, 19805 Durand Avenue, from 12:00 p.m. to 12:00 a.m., on Saturday, June 7, 2014, MC.

Application for a Temporary Class “B” License by the Racine County Convention and Visitors Bureau to sell fermented malt beverages on the Racine County Fairgrounds, 19805 Durand Avenue, on Saturday, June 7, 2014

Motion (McMahon, Hansen) to approve the application for a Temporary Class “B” License by the Racine County Convention and Visitors Bureau to sell fermented malt beverages on the Racine County Fairgrounds, 19805 Durand Avenue, on Saturday, June 7, 2014, MC.

Application for a Temporary Operator’s License by Russel Larson for Saturday, June 7, 2014

Motion (McMahon, Hansen) to approve the application for a Temporary Operator’s License by Russel Larson for Saturday, June 7, 2014, MC.

Revisions to the Town of Yorkville Code of Ordinances regarding gaming machine licenses

McKinney noted that Town ordinances prohibit gambling but permit licensing of “gambling machines”. He added that the Board could eliminate the phrase “gambling machines” or could replace it with “electronic gaming machines”, as establishments may not use those machines for gambling purposes. The Board recommended that the ordinance reference to “gambling machines” be replaced with “electronic gaming machines”. McKinney noted that he will contact the Town’s attorney to have him include this change in the ordinance updates the Board will consider in June. The Board also requested that gaming machine license fees remain unchanged.

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

Revisions to the Town of Yorkville Code of Ordinances regarding fireworks permits

McKinney noted that Town ordinances do not allow for an individual to apply for a fireworks permit, which is otherwise permitted by Wisconsin law. He added that Town ordinances require applicants to provide a \$5,000.00 indemnity bond or a certificate of liability insurance with their applications. He noted that the Town’s insurance agent recommended that the Town amend its ordinances to remove the indemnity bond reference and to update the language regarding the certificate of liability insurance to require a certificate of liability insurance showing evidence of fireworks liability insurance in the amount of no less than \$1,000,000, with the Town of Yorkville named as an additional insured.

Motion (Hansen, McMahon) to instruct the Town Attorney to draft revisions to the Town of Yorkville Code of Ordinances making the following changes regarding the issuance of fireworks permits: to add language allowing a single individual to apply for a fireworks permit; to remove existing language permitting applicants to post a \$5,000.00 bond with their fireworks permit application; to update existing language regarding liability insurance coverage for fireworks permits that will require that fireworks permit applicants provide a certificate of liability insurance showing evidence of fireworks liability insurance in the amount of no less than \$1,000,000, with the Town of Yorkville named as an additional insured, MC.

Revisions to the Town of Yorkville Code of Ordinances regarding driveway permits

McKinney noted that Town ordinances currently require the Board to act on driveway permit applications. He added that the Town's building inspector has typically handled driveway requests for new construction and permits for culvert installation.

Motion (Hansen, McMahon) to instruct the Town Attorney to draft revisions to the Town of Yorkville Code of Ordinances transferring driveway permit approval authority from the Town Board to the Town's building inspector, MC.

Driveway Permit application by Jeffrey Knuth for 14407 Braun Road

Motion (Gruhn, McMahon) to approve the Driveway Permit application submitted by Jeffrey Knuth for 14407 Braun Road, MC.

Resolution 09-2014 Designating and appointing a Weed Commissioner for the Town of Yorkville

McKinney noted that the Board could appoint Code Enforcement Officer Terrence O'Brien to the Weed Commissioner position. He added that O'Brien did not object to this appointment.

Motion (Hansen, Gruhn) to approve Resolution 09-2014 as submitted, MC.

Resolution 10-2014 Supporting the establishment of a single Racine County Health Department to consolidate health services currently provided by the Western and Central Racine County Health Departments and supporting the establishment of a Racine County Board of Health

Hansen noted that, due to inquiries from the City of Racine, Racine County is abandoning their plans to create a county-wide Health Department. He added that the Village of Caledonia will continue to operate the Central Racine County Health Department and will extend coverage to any municipality currently served by the Western Racine County Health Department. He noted that the Town will need to sign a contract with the Central Racine County Health Department and must petition them to become a member. He added that the Central Racine County Health Department will then become the Town's public health provider.

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

Resolution 11-2014 Declaring an emergency due to damage to a public facility within the Town of Yorkville and authorizing the Town of Yorkville Water Utility District Commission to correct said emergency without advertising for proposals, as permitted by Wisconsin Statutes 60.47(5)

Hansen noted that approval of this resolution permits the Water Utility to proceed with repairs to the water tower's deep well water pump without meeting the requirement to advertise for proposals.

Motion (Gruhn, Hansen) to approve Resolution 11-2014 as submitted, MC.

Resolution 12-2014 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 no action was necessary on this resolution, as the changes contained within it were related to issues pertaining to an earlier agenda item regarding gaming machine licenses that the Board opted to not change.

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

Application for a Temporary Class “B” License by the Union Grove Lions Club to sell fermented malt beverages at the Activity Building on the Racine County Fairgrounds, 19805 Durand Avenue, on Sunday, June 1, 2014

Motion (Gruhn, McMahon) to approve the application for a Temporary Class “B” License by the Union Grove Lions Club to sell fermented malt beverages at the Activity Building on the Racine County Fairgrounds, 19805 Durand Avenue, on Sunday, June 1, 2014, MC.

Application for a Temporary Operator’s License by William Schauer for Sunday, June 1, 2014

Motion (McMahon, Gruhn) to approve the application for a Temporary Operator’s License by William Schauer for Sunday, June 1, 2014, MC.

Application for a Temporary Operator’s License by Giles Williams for Sunday, June 1, 2014

Motion (McMahon, Gruhn) to approve the application for a Temporary Operator’s License by Giles Williams for Sunday, June 1, 2014, MC.

Quotes for chip seal coating and/or slurry sealing on Town roads in 2014

McMahon noted that he has not been able to reach Scott Construction regarding an updated quote for chip seal coating or slurry sealing, but plans to contact them soon.

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

Quotes for crack filling on Town roads in 2014

McMahon noted that he contacted Crack Filling Service regarding an updated crack filling quote. He added that they plan to complete \$21,000.00 of crack filling work, as requested by the Board.

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

Reports

Code Enforcement Officer’s Report: O’Brien was not present to provide his report to the Board.

Engineer’s Report: Madsen provided his report to the Board. He noted that the damaged

asphalt at 707 Deer Path has been replaced and appears to be in good condition; he added that the ditch still needs to be reseeded. He also noted that the final course of asphalt is complete in the Stonecrest Shores subdivision and added that the final course of asphalt is being completed in the Woodland Waters subdivision. He noted that 50th Road is being repaved and added that Braun Road has been pulverized. He informed the Board of a blockage from debris at the railroad trestle over the East Branch of the Root River Canal. He noted that he plans to contact the railroad for permission to access the blockage from the trestle above, adding that access could be gained to the trestle through one of the neighboring properties, if necessary.

Clerk's Report: McKinney provided his report to the Board. He noted that the event planned for June 21, 2014, at the Route 20 Outhouse, 14001 Washington Avenue, has been cancelled due to the I-94/STH 20 construction project. He added that Ray Stibeck has informed him that he has placed an offer to purchase the two parcels behind his property, currently owned by Martha Jenkins. McKinney noted that Stibeck plans to build a two-story banquet facility there with a capacity of 1,500 to 2,000 people. He informed the Board that the Town's attorney is currently working on several issues for the Board's consideration at their meeting in June, including whether one "Class B" liquor license can be used for multiple adjoining parcels and multiple facilities owned and operated by the same person, and what options are available to the Town for collecting past due balances owed by the Travelodge Hotel and Captain's Cove Seafood Bar and Grill, which were both placed in receivership in April.

McKinney noted that he and Hansen have been contacted several times regarding whether the property located at 15838 County Line Road could be split. He added that a certified survey map was approved by the Town in 2012, which was never recorded with the Racine County Register of Deeds by the owner. He noted that the request would need to appear before the Board and Plan Commission again, as Town ordinances require that the map be filed within six months of approval. He informed the Board that the June 9, 2014, joint Town Board/Plan Commission agenda will include an item requesting rezoning of the property located at 3323 South Sylvania Avenue, and requesting a conditional use permit to allow for the operation of a day care facility at the site.

Other – Comments, questions and suggestions

Hansen informed the Board that Israel Vargas has yet to submit the required Holding Tank Agreement and Holding Tank Servicing Contract for the Homerun Heaven property at 3400 South Sylvania Avenue. He asked McKinney to contact Vargas to request that those agreements be submitted to the Town for its review before any more events take place on the property.

Adjournment

Motion (McMahon, Gruhn) to adjourn, MC. The meeting was adjourned at 6:51 p.m. The next regularly scheduled Town Board meeting is Monday, June 9, 2014, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer