

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JANUARY 14, 2019

Pledge of Allegiance

Village Board President Sherry Gruhn conducted the Pledge of Allegiance.

Call to Order

Village Board President Sherry Gruhn called the meeting to order at 6:12 p.m.

Roll Call

The following Village Board members were present: Sherry Gruhn, Robert Funk, Daniel Maurice, Terrence McMahon and Steve Nelson. The following Plan Commission members were present: Sherry Gruhn, Douglas Nelson, Barbara Geschke, Aaron Alby and Cory Bartlett. Also present were Tina Jahnke and Candi Lucksted representing TinCan Roadhouse, John Kurt, John Schmidbauer representing Kueny Architects, Mike Hoffman representing Bukacek Construction, Jon Erickson, Kay Erickson, Alan Jasperson, Thomas Harmann, Mike Bannon representing DeMark, Kolbe & Brodek, John Anderson, Greg Reesman representing Reesman's Excavating & Grading, Brian O'Brien, Scott Sorce, Jeffrey Knuth, Michael O'Brien, John Ames, Jr., Stacey Piper-Milkie, Tom Peterson, Maria Sandoval, Nancy Washburn, Chad Thur, Attorney Tim Pruitt, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and approximately twenty unidentified attendees.

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

Approval of Minutes

Motion (S. Nelson, Maurice) to approve the December 26, 2018 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

Motion (McMahon, Funk) to approve the December Village and Stormwater financial reports as presented, MC.

Approval of Village Invoices

Motion (Funk, Maurice) to approve payment of Village invoices as presented in the amount of \$73,623.67, MC.

Approval of Stormwater Invoices

Gruhn noted that no Stormwater invoices were presented for payment.

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

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

License and permit applications for the period of January 15, 2019, through June 30, 2019 for TinCan Roadhouse, 20715 Durand Avenue (STH 11) (Agent: Tina Jahnke) (Premises: Entire Building including Patio Areas):

- **Combination Class B Beer and Liquor License**
- **Gaming Machine License (5 video gaming + 2 miscellaneous)**
- **Class B Dance Hall License**

Motion (S. Nelson, McMahon) to grant all licenses applied for by TinCan Roadhouse, 20715 Durand Avenue (STH 11), with no conditions, MC.

Conditional use amendment application submitted by ADK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for the parcel located at 2808 North Sylvania Avenue (Parcel ID # 194-03-21-01-001-011) in the M-3 (Heavy Industrial) Zoning District to allow for the addition of an additional 5,000-square feet to a 20,000-square foot building previously approved by conditional use on September 10, 2018

Motion (Bartlett, Alby) to recommend approval of the conditional use amendment application submitted by ADK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for the parcel located at 2808 North Sylvania Avenue (Parcel ID # 194-03-21-01-001-011) in the M-3 (Heavy Industrial) Zoning District to allow for the addition of an additional 5,000-square feet to a 20,000-square foot building previously approved by conditional use on September 10, 2018, with the following conditions:

1. **Zoning Permit.** *The applicant must amend zoning permit 2018-018-063 from the Racine County Development Services Office after paying the zoning permit fee difference of \$187.50 and the amendment fee of \$50.00. This card must be displayed in a prominent location at the project site, and a copy of these conditions must be kept at the project site at all times until the project has been completed.*
2. **Compliance.** *Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.*
3. **Binding Effect.** *These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as "Applicant" or "Property Owner") with respect to the uses on the Property.*
4. **Compliance with Previous Conditions of Approval.** *All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.*

5. **Expiration.** *This approval will expire nine (9) months from the date of the Village of Yorkville's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Yorkville grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.*
6. **Plans.** *The proposed project shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office on June 11, 2018, unless otherwise amended herein.*
7. **Permits Required for Future Buildings.** *Any future buildings will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.*
8. **Performance Standards.** *The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (copy attached).*
9. **Property Requirements.** *This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner. The continued positive appearance of buildings and property is dependent upon proper maintenance attitudes and procedures. Maintenance programs must be established that include watering, maintaining, and pruning all landscape planting areas; cleaning up litter and emptying trash containers in a timely fashion; sweeping, cleaning, and repairing paved surfaces; replacing broken and vandalized parts; replacing burned out light bulbs; and cleaning, painting, and repairing windows and building facade.*
10. **Operation Requirements.** *The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life. Any oil or other hazardous fluids must be stored in a designated containment area that complies with all Wisconsin Department of Natural Resources (WI-DNR) regulations.*
11. **Building Exterior.** *The exterior colors of this building, including doors, shall be the same as or shall be in harmony with the exterior colors of the existing buildings on this site.*
12. **Exterior Lighting.** *All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.*
13. **External Paging.** *There can be no external paging on the phone system.*

- 14. Signs.** Any advertising sign on this property must conform to Racine County Ordinance standards and will require a separate zoning permit(s) prior to installation. Contact the Racine County Development Services Office at 262-886-8440 for further information regarding sign permits.
- 15. Parking.** Parking must be provided as shown on the submitted site plan. Each automobile parking space must be a minimum of nine feet wide and 180 square feet in area, exclusive of the space required for ingress and egress. Handicapped spaces must be provided in accordance with State requirements. Aisles and spaces must be clearly marked. The driveways serving this operation must be located according to the submitted plan. The driveways and all parking areas must be maintained in an all-weather, dust-controlled condition.
- 16. Outside Storage.** Except for the vehicle parking area as shown on the submitted plans, outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Refuse bins and/or scrap material (recycle) bins must be screened from public view. This includes the Village of Yorkville's prohibition on the outside storage of aged vehicles, wrecked vehicles, or parts vehicles.
- 17. Drainage Easement/Wetlands.** No filling, flooding, draining, dredging, ditching, tiling or excavating is permitted in any wetland or drainage easement.
- 18. Stormwater Requirements.** The property owner or designated agent must contact the Village of Yorkville regarding stormwater regulations for the site Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.
- 19. Drain Tiles.** Do not break or damage any underground tile. If encountered, any underground agricultural tile line must be rerouted or fixed. If any underground tile is encountered that has anything but clean water flowing through it, contact Racine County Development Services at (262) 886-8440 to investigate.
- 20. Erosion Control.** To help prevent sediment from entering onto an abutting property, drainage way, or road ditch, prior to any earth disturbance activities, temporary diversions must be installed as directed by the Village Engineer.
- 21. Construction.** During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a public or private road must be removed by street cleaning (not flushing) before the end of each work day or as determined by the jurisdictional highway authority.
- 22. Access.** The applicant must allow any Racine County or Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.

- 23. Compliance with Law.** *The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state and federal regulations.*
- 24. Amendments to Conditional Use Permit.** *No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Yorkville's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Yorkville or the Racine County Development Services office in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.*
- 25. Liability.** *Racine County and the Village of Yorkville does not warrant that the plans for this project are functionally and/or structurally adequate. Racine County and the Village of Yorkville does not certify that the design is adequate for this site and Racine County and the Village of Yorkville accepts no liability through this approval.*
- 26. Reimburse Village Costs.** *Applicant shall reimbursement to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.*
- 27. Agreement.** *Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, ADK Racine LLC, Kueny Architects, John Schmidbauer, their heirs, successors, and assigns are responsible for full compliance with the above conditions.*
- 28. Subsequent Owners.** *It is the property owner's responsibility to inform any subsequent owner or operator of these conditions, MC.*

Motion (McMahon, S. Nelson) to accept the Plan Commission's recommendation and to approve the conditional use amendment application submitted by ADK Racine, LLC (with Kueny Architects/John Schmidbauer as applicant/agent) for the parcel located at 2808 North Sylvania Avenue (Parcel ID # 194-03-21-01-001-011) in the M-3 (Heavy Industrial) Zoning District to allow for the addition of an additional 5,000-square feet to a 20,000-square foot building previously approved by conditional use on September 10, 2018, with no additional conditions beyond those recommended by the Plan Commission, MC.

Conditional use extension request submitted on behalf of Jon and Kay Erickson (with Storage Authority/Andrew Baer/Short Elliott Hendrickson/Brian Depies as applicant/agent) for the property located at 18917 Spring Street (CTH C) (Parcel ID # 194-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts for the conditional use previously approved on June 11, 2018

Motion (D. Nelson, Bartlett) to recommend approval of the conditional use extension request submitted on behalf of Jon and Kay Erickson (with Storage Authority/Andrew Baer/Short Elliott Hendrickson/Brian Depies as applicant/agent) for the property located at 18917 Spring Street (CTH C) (Parcel ID # 194-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts for the conditional use previously approved on June 11, 2018, with no conditions and an updated expiration date of January 14, 2020, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to approve the conditional use extension request submitted on behalf of Jon and Kay Erickson (with Storage Authority/Andrew Baer/Short Elliott Hendrickson/Brian Depies as applicant/agent) for the property located at 18917 Spring Street (CTH C) (Parcel ID # 194-03-21-20-040-000) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts for the conditional use previously approved on June 11, 2018, with no conditions and an updated expiration date of January 14, 2020, MC.

Certified survey map application submitted by Joyce Kaiser, Personal Representative for the Estate of John Demant (with Alan Jasperson as applicant/agent) for the parcel located at 14132 56th Road (Parcel ID # 194-03-21-24-003-000) in the A-2 (General Farming and Residential II) and M-3 (Heavy Industrial) Zoning Districts to allow for the division of this parcel into two parcels and one landlocked outlot

Mike Bannon stated that the applicant was not able to come to an agreement to purchase the narrow strip separating the proposed outlot parcel from the Leetsbir Road right-of-way. He added that he provided an easement document to the Village that would grant access to the proposed outlot parcel from an existing parcel to the west. The Village Board discussed alternatives for addressing the lack of soil boring and wetland delineation data for all three proposed parcels.

Motion (Alby, D. Nelson) to recommend approval of the certified survey map application submitted by Joyce Kaiser, Personal Representative for the Estate of John Demant (with Alan Jasperson as applicant/agent) for the parcel located at 14132 56th Road (Parcel ID # 194-03-21-24-003-000) in the A-2 (General Farming and Residential II) and M-3 (Heavy Industrial) Zoning Districts to allow for the division of this parcel into two parcels and one landlocked outlot, with no conditions, and to recommend that waivers be granted for the following sections of the Village of Yorkville Code of Ordinances:

- ***Section 28-84(b)(1), which requires that lots be approximately rectangular in shape;***
- ***Section 28-84(c), which requires that every lot shall front or abut on a public street, or other officially approved means of access;***
- ***Section 28-84(d)(2), which requires that all parcels without municipal sewer access that are created by certified survey map have at least 300 feet of road frontage as measured at the right-of-way line;***
- ***Section 28-84(e), which requires that side lot lines be at right angles to straight street lines or radial to curved street lines on which the lots face;***

- **Section 28-226(9), which requires that wetland areas be depicted on a certified survey map;**
- **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, MC.**

Motion (S. Nelson, Maurice) to accept the Plan Commission’s recommendation and to approve the certified survey map application submitted by Joyce Kaiser, Personal Representative for the Estate of John Demant (with Alan Jaspersen as applicant/agent) for the parcel located at 14132 56th Road (Parcel ID # 194-03-21-24-003-000) in the A-2 (General Farming and Residential II) and M-3 (Heavy Industrial) Zoning Districts to allow for the division of this parcel into two parcels and one landlocked outlot, with no additional waivers beyond those recommended by the Plan Commission, with the condition that the easement document provided to the Village of Yorkville by the applicant for Outlot 1 be filed with the Racine County Register of Deeds, MC.

Site plan application submitted by John Anderson for the parcel located at 2334 North Sylvania Avenue (Parcel ID # 194-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to allow for the razing of an existing detached garage and the construction of an 1,164-square foot garage and shop addition to an existing office building, the construction of a 5-foot tall by 112-foot long security fence, the construction of a 2,576-square foot addition to an existing office building in the future, and the amendment of the existing site plan for this property to allow for the stockpiling, storage and processing of topsoil and mulch

John Anderson stated that soil will not be processed on-site. Madsen noted that the applicant will need to maintain positive drainage on the site. Anderson stated that there is silt fencing on the west side of the property. He noted that structural work on this project will begin in several months, while the proposed long-term addition will not be done for several years. S. Nelson questioned whether any drain tiles would be disturbed by this project.

Motion (Geschke, Bartlett) to recommend approval of the site plan application submitted by John Anderson for the parcel located at 2334 North Sylvania Avenue (Parcel ID # 194-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to allow for the razing of an existing detached garage and the construction of an 1,164-square foot garage and shop addition to an existing office building, the construction of a 5-foot tall by 112-foot long security fence, the future construction of a 2,576-square foot addition to an existing office building, and the amendment of the existing site plan for this property to allow for the stockpiling, storage and processing of topsoil and mulch, with the following conditions:

1. **Zoning Permits. The applicant must pay for and obtain zoning permit cards from the Development Services Office before the construction of the garage addition and security fence. The zoning permit fee for the garage addition is \$1,000.00 and the zoning permit fee for the security fence is \$100.00. These cards must be displayed in a prominent location at the project site, and a copy of the conditions must be kept at the project site at all times until the project has been completed.**

2. **Sanitation.** Sanitary approval must be obtained from the Racine County Development Services office prior to the issuance of a zoning permit. The building addition(s) must be located at least five feet away from the holding tank. It will be the applicant's responsibility to provide adequate information that proves the five-foot setback will be met. The Racine County Development Services Department can be contacted at (262)-886-8440.
3. **Compliance.** Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.
4. **Binding Effect.** These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as "Applicant" or "Property Owner") with respect to the uses on the Property.
5. **Compliance with Previous Conditions of Approval.** All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.
6. **Expiration.** This approval will expire nine (9) months from the date of the Village of Yorkville's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Yorkville grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.
7. **Plans.** The proposed project shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office on December 12, 2018, unless otherwise amended herein.
8. **Permits Required for Future Buildings.** Any future buildings or additions will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.
9. **Performance Standards.** The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances (copy attached).
10. **Open Burning.** Any open burning must comply with the provisions of Section 26-18, of the Village of Yorkville Code of Ordinances. See attached copy of Section 26-18.
11. **Property Requirements.** This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner. Storage of hazardous or otherwise flammable materials in the storage units is prohibited.
12. **Stockpiling.** Any stockpiles of topsoil, brush, mulch or other material not located in a storage bin must be located in the rear half of the property and be screened from the road right of way. The stockpile material may not exceed twenty (20) feet in height.

- 13. Operation Requirements.** *The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life.*
- 14. Stormwater Requirements.** *The property owner or designated agent must contact the Village of Yorkville regarding stormwater regulations for the site Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.*
- 15. Access.** *The applicant must allow any Racine County or Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.*
- 16. Compliance with Law.** *The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state and federal regulations.*
- 17. Amendments to Conditional Use Permit.** *No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Yorkville's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Yorkville or the Racine County Development Services office in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.*
- 18. Liability.** *Racine County and the Village of Yorkville do not warrant that the plans for this project are functionally and/or structurally adequate. Racine County and the Village of Yorkville do not certify that the design is adequate for this site and Racine County and the Village of Yorkville accepts no liability through this approval.*
- 19. Reimburse Village Costs.** *Applicant shall reimbursement to the Village all costs incurred by the Village for review of this conditional use including but not limited to engineering, legal and planning review that occurred prior to permit issuance and during the implementation of the plans and construction of the improvements.*
- 20. Agreement.** *Your accepting the conditional use approval/zoning permit and beginning the project means that you have read, understand, and agree to follow all conditions of this approval. Therefore, Johnnie Ray Anderson, his heirs, successors, and assigns are responsible for full compliance with the above conditions.*
- 21. Subsequent Owners.** *It is the property owner's responsibility to inform any subsequent owner or operator of these conditions, MC.*

Motion (McMahon, Funk) to accept the Plan Commission's recommendation and to approve the site plan application submitted by John Anderson for the parcel located

at 2334 North Sylvania Avenue (Parcel ID # 194-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to allow for the razing of an existing detached garage and the construction of an 1,164-square foot garage and shop addition to an existing office building, the construction of a 5-foot tall by 112-foot long security fence, the future construction of a 2,576-square foot addition to an existing office building, and the amendment of the existing site plan for this property to allow for the stockpiling, storage and processing of topsoil and mulch, with no additional conditions beyond those recommended by the Plan Commission, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a conditional use amendment application submitted by OBCO, LLC (with Reesman's Excavating & Grading, Inc. as) for the property located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District to allow for the amendment of the existing conditional use for this property to include the temporary storage of aggregate materials, including recycling of concrete, scale house, stormwater pond and screening berms

Alby recused himself from any action or deliberation on this agenda item due to his business relationship with the applicant/agent.

Gruhn opened the public hearing at 6:44 p.m.

Greg Reesman stated that this proposed use will occupy ten acres of this site. He noted that this site will be used for off-season storage of aggregate materials and concrete and asphalt recycling. He added that the concrete and asphalt recycling operation would occur one to two weeks per year as needed. He stated that the stormwater pond proposed for this site would be large enough to accommodate future development. He noted that a ten- to twelve-foot berm would be erected on this site, which would have trees and shrubs planted on it. He stated that the entrance driveway off of Braun Road onto this site would include a turn lane. He noted that vehicles accessing this site from Braun Road would only be allowed to come from the east. He stated that this proposed use would be less intensive than the conditional use approved by Yorkville for this site a year ago.

The following individuals spoke in opposition to this proposal:

- Scott Sorce, 14705 Braun Road
- Jeffrey Knuth, 14407 Braun Road
- Michael O'Brien, 14412 Braun Road
- John Ames, Jr., 14722 Braun Road
- Stacey Piper-Milkie, 14601 Braun Road
- Tom Peterson
- Maria Sandoval, 14800 Braun Road

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

- That the existing conditional use that was approved last year for this site, which the applicant wishes to amend with this proposed use, has expired
- That this proposed use is in conflict with the parcel's underlying zoning
- That the local area is largely rural residential

- Noise, air and water pollution
- Impact on property values
- That the proposed concrete and asphalt recycling operation may last beyond two weeks annually
- That the proposed use will attract rodents and other vermin
- That the vegetation on the property is not being maintained
- Impact on drain tiles and surface drainage
- Increase in traffic on Braun Road

No one spoke in support of this proposal.

Brian O'Brien stated that the proposed use is part of the property's overall development plan.

With no other comments forthcoming, Gruhn closed the public hearing at 7:28 p.m.

Conditional use amendment application submitted by OBCO, LLC (with Reesman's Excavating & Grading, Inc. as applicant/agent) for the property located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District to allow for the amendment of the existing conditional use for this property to include the temporary storage of aggregate materials, including recycling of concrete, scale house, stormwater pond and screening berms

Pruitt, the Village Board and Plan Commission discussed several concerns related to this application, including whether the proposed use is permitted in the underlying zoning district unless accompanied by ongoing mineral extraction activity, whether substantial work has begun under the existing conditional use permit, and whether the existing conditional use permit has expired. Pruitt stated that the Village can request clarification from the Racine County Development Services Department on these issues, adding that any clarification can be appealed to the Village's Board of Appeals for a final determination.

Motion (S. Nelson, Maurice) to authorize the Village's attorney to contact the Village's zoning administrator regarding whether the existing conditional use permit for this property has expired, MC.

Motion (Bartlett, D. Nelson) to recommend that this request be tabled, MC.

Motion (Maurice, Funk) to accept the Plan Commission's recommendation and to table this request, MC.

Upon the conclusion of discussion and action on this agenda item, Alby rejoined the Village Board and Plan Commission meeting.

Pre-application conference regarding a proposed subdivision of three undeveloped parcels located adjacent to or near 50th Road (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010)

Nancy Washburn presented a subdivision concept plan on 50th Road for eighteen residential lots and a large outlot. She noted that the existing residential parcel to the east on 50th Road will have its access relocated from a twenty-foot wide access easement to the new road

proposed for this subdivision. She stated that the subdivision developer would seek a right of recovery from this property owner for a portion of the road construction cost. She noted that seven of the lots in this proposed subdivision have had successful soil borings completed. Madsen noted that the calculation used to determine the number of parcels allowed in this subdivision would need to be adjusted. Pruitt stated that regardless of how the outlot in the proposed subdivision is used, an independent party will need to be responsible for monitoring its use. S. Nelson noted that the trees growing along the East Branch of the Root River Canal may be removed in the future as part of ongoing canal maintenance.

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

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on proposed Ordinance 2019-01 To Create Chapter 56 of the Code of Ordinances for the Village of Yorkville, Racine County, Wisconsin, relating to Floodplain Zoning

Gruhn opened the public hearing at 8:28 p.m.

Pruitt stated that the Village Board needs to adopt a standalone floodplain zoning ordinance, which will allow Yorkville to participate in the National Flood Insurance Program.

With no other comments forthcoming, Gruhn closed the public hearing at 8:33 p.m.

Ordinance 2019-01 To Create Chapter 56 of the Code of Ordinances for the Village of Yorkville, Racine County, Wisconsin, relating to Floodplain Zoning

Motion (S. Nelson, Maurice) to adopt Ordinance 2019-01 as presented, MC.

Resolution 2019-01 Authorizing an application to participate in the National Flood Insurance Program

Motion (S. Nelson, Funk) to adopt Resolution 2019-01 as presented, MC.

Payment of the remaining balance of the 2018 payable 2019 property taxes owed for Parcel ID # 018-03-21-11-014-001 due to a palpable assessment error

McKinney stated that the Village's assessor assessed this parcel as if the improvements on it were completed as of January 1, 2018, when the improvements were only twenty percent complete as of that date. He added that normal protocol in this situation is for the municipality to pay for the additional taxes that should not have been levied on the parcel and to charge a proportionate share of those additional taxes back to the other taxing entities to which a portion of those additional taxes were originally due.

Motion (S. Nelson, Maurice) to authorize payment of the remaining balance of the 2018 payable 2019 property taxes owed for Parcel ID # 018-03-21-11-014-001 in the amount of \$4,065.26 due to a palpable assessment error, MC.

61st Drive project

The Village Board and Madsen discussed whether to proceed with a proposed culvert replacement, ditch realignment, guardrail replacement and repaving project on 61st Drive in 2019. Madsen noted that the Village received a permit from the Wisconsin Department of Natural Resources in 2018 to perform the ditch realignment work, adding that this permit is valid for three years. The Village Board opted against proceeding with this project in 2019.

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

58th Road bridge over the West Branch of the Root River Canal

The Village Board discussed the condition of this bridge, including the loss of concrete on the underside of the bridge as well as the loss of one of the bridge's wingwalls.

Motion (S. Nelson, McMahon) to instruct the Clerk-Treasurer to contact the Racine County Public Works Department to request that they inspect the 58th Road bridge over the West Branch of the Root River Canal to determine whether any immediate repairs to said bridge are necessary and to provide an estimate for the cost of performing said repairs, MC.

Quotes for Two Mile Road/Raymond Avenue (CTH U) intersection safety upgrades

The Village Board discussed a combined estimate from Payne & Dolan, Inc. and the Racine County Public Works Department in the amount of \$4,750.00 for the installation of intersection approach rumble strips on Two Mile Road in each direction at Raymond Avenue (CTH U).

Motion (Maurice, Funk) to instruct the Clerk-Treasurer to contact the Town of Raymond to make them aware that the Village would like to proceed with the installation of intersection approach rumble strips on Two Mile Road in each direction at Raymond Avenue (CTH U) at an estimated cost of \$4,750.00, and offers to pay for half of the cost of said project, MC.

Wanasek Corporation pay request for the Braun Road tile project

Motion (S. Nelson, Funk) to approve payment of the pay request submitted by Wanasek Corporation in the amount of \$98,690.00 for the Braun Road tile project, MC.

Clean Sweep household hazardous waste disposal event participation

The Village Board discussed the low turnout of Yorkville residents and the high per attendee costs for this annual event.

Motion (McMahon, S. Nelson) to end the Village's participation in the annual Clean Sweep household hazardous waste disposal event, effective immediately, MC.

Union Grove-Yorkville Fire Department Chief retirement gift

Gruhn stated that the Union Grove/Yorkville Fire Commission requested that both Yorkville and Union Grove contribute towards a retirement gift and the cost of a retirement party for the outgoing Union Grove-Yorkville Fire Department chief. Pruitt stated that such expenditures would need to serve a legitimate public purpose.

Motion (Gruhn, S. Nelson) to authorize the expenditure of \$500.00 for the purchase of a retirement gift for the outgoing Union Grove-Yorkville Fire Department chief and the expenditure of \$150.00 to go towards the Union Grove-Yorkville Fire Department chief's retirement party, MC.

Reports

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

Motion (Gruhn, S. Nelson) to approve and file the Building Inspector's report as presented, MC.

Engineer's Report: Madsen reported that he contacted a resident on 67th Drive regarding ditch drainage near the 67th Drive/58th Road intersection.

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

Roads/Public Works Committee Report: Maurice stated that the Racine County Public Works Department will clean out the ditches on each side of several culverts on 10th Avenue to improve drainage there.

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

- That a Yorkville Village Board, Plan Commission, Sewer and Water Commission, and Long-Range Planning/Ordinance Committee meeting will be held on January 16
- That the tentative 2019 Board of Review date will be Wednesday, June 26, 2019
- That the Village may need to enter into an employment agreement in order to find a new Stray Animal Collection and Transport Officer
- That William McReynolds will be attending the January 28 Village Board meeting to discuss services that his firm could provide related to hiring a Village Administrator

Adjournment

Motion (D. Nelson, McMahon) to adjourn, MC. The meeting was adjourned at 9:30 p.m. The next scheduled Village Board meeting is Wednesday, January 16, 2019, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer