

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, JUNE 10, 2019

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:00 p.m.

Roll Call

The following Village Board members were present: Douglas Nelson, Robert Funk, Daniel Maurice, Steve Nelson and Cory Bartlett. The following Plan Commission members were present: Douglas Nelson, Cory Bartlett, Barbara Geschke, Aaron Alby and Timothy DeGarmo. Also present were John Kurt representing The Annex, Lawrence Robers, Andrea Robers, Larry Strickland, Adam Kimmel, Alan Larosee representing Daniels SharpSmart, Sewer Utility District and Water Utility District Manager Gary Hanson, Corey Lapworth and Falamak Nourzad representing Continuum Architects, Adam Artz representing Pinnacle Engineering, Ken Nelson, Michael O'Brien, Julie O'Brien, Attorney Christopher Geary, Engineer Mark Madsen and Clerk-Treasurer Michael McKinney.

Approval of Financial Reports

Motion (Funk, S. Nelson) to approve the May Village and Stormwater financial reports as presented, Motion Carried (MC).

Approval of Village Invoices

Motion (S. Nelson, Maurice) to approve payment of Village invoices as presented in the amount of \$152,802.43, MC.

Approval of Stormwater Invoices

McKinney 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 the following:

Public Hearing - The Village Board and Plan Commission held a public hearing to hear public comment on an application submitted by Stericycle, Inc. for a 2019-2020 Solid Waste Disposal, Storage or Treatment Permit to operate a regulated medical waste treatment facility utilizing Electro-Thermal Deactivation (shredding and thermal inactivation by use of low frequency radio waves) technology at 14035 Leetsbir Road (Parcel ID #'s 018-03-21-24-002-130 and 018-03-21-24-002-120) in the M-3 (Heavy Industrial) Zoning District

D. Nelson opened the public hearing at 6:01 p.m.

McKinney stated that the applicant's representative was not present at this evening's meeting.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:02 p.m.

License and permit applications for the period of July 1, 2019, through June 30, 2020

- **Stericycle, Inc., 14035 Leetsbir Road**
 - **Solid Waste Disposal, Storage or Treatment Permit**

- **Apple Holler, 5006 South Sylvania Avenue (Agent: A. David Flannery) (Premises: Restaurant, Gift Shop, Orchard Market, Barns, Café, Wooded Picnic Areas and Patios)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - Jennifer Cruz
 - Connor Flannery
 - Elyse Flannery
 - Vicki Flannery
 - Sharon Gavin
 - Angelina Lopez
 - Liselotte Schacht

- **Citgo Auto Truck Plaza, 611 South Sylvania Avenue (Agent: Robert Basil) (Premises: Truck Plaza)**
 - **Class "B" Beer License**
 - **Operator Licenses**
 - Sean Albrecht
 - Steven Basil
 - Ryan Burch
 - Christine Garvey
 - Jovan Jackson
 - Justin Langenfeld
 - Ryan Nelson
 - Matthew Strasser
 - Jonathan Witek
 - **Cigarette License**
 - **Gaming Machine License (5 video gaming + 2 miscellaneous)**

- **Country Mart, 1920 South Colony Avenue (USH 45) (Agent: Chris Gorman) (Premises: Retail Store)**
 - **Combination Class A Beer and Liquor License**
 - **Operator Licenses**
 - Manjeet Singh
 - **Cigarette License**

- **Country Rose Bakery and Café, 19319 Washington Avenue (STH 20) (Agent: Rita Zadurski) (Premises: Bakery and Café)**
 - **Class “B” Beer License**
 - **Operator Licenses**
 - **Dana Sallee**

- **Ives Grove Golf Links, 14101 Washington Avenue (STH 20) (Agent: Peter James Eitel) (Premises: Entire Golf Course)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Candace Baas**
 - **Jackie Bianchi**
 - **Nancy Eitel**
 - **Madison Rozanas**
 - **Sarah Schuster**
 - **Natalie Seitz**
 - **Desteney Wiskerchen**
 - **Cigarette License**

- **Highlands Petro, 717 South Sylvania Avenue (Agent: Shari Erskine) (Premises: Travel Store, Iron Skillet and Southwest Corner of Parking Lot [Auto Side])**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Cynthia Adams**
 - **Lorie DeGuire**
 - **Gabriela Dominguez**
 - **Tracy Drews**
 - **Mary Hoegsted**
 - **Nakia Hudson**
 - **Mia Irish**
 - **Tina Jones**
 - **Jeanne Klinkhammer**
 - **Samantha Lueck**
 - **Jennifer Lunceford**
 - **Tricia Marin**
 - **Jana Martino**
 - **Julie Paulaski**
 - **Jennifer Risch**
 - **Stella Teschner**
 - **Myron Tucker**
 - **Luis Tucker-Magana**
 - **Elizabeth Woods**
 - **Cigarette License**
 - **Gaming Machine License (5 video gaming + 15 miscellaneous)**

- **Racine Instinctive Bowmen, 14403 50th Road (Agent: Jennie Imhoff) (Premises: Main Clubhouse)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Rebecca Dahlke**
 - **James Gaastra**
 - **Larry Radcliff**

- **Route 20, 14001 Washington Avenue (STH 20) (Agent: Raymond J. Stibeck) (Premises: Restaurant, Bar, Entertainment Building, Patio, Parking Lot and Vacant Parcel to southwest of premises address)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Jenna Christensen**
 - **Rochelle Marino**
 - **Rachel McNutt**
 - **Kimberly Parrett**
 - **Robin Robbins**
 - **Jessica Scharninghausen**
 - **Rachel Slavik**
 - **Rachel Smith**
 - **Cigarette License**
 - **Gaming Machine License (5 video gaming + 2 miscellaneous)**
 - **Class A Dance Hall License**

- **TinCan Roadhouse, 20715 Durand Avenue (STH 11) (Agent: Tina M. Jahnke) (Premises: Entire Building including Patio Areas)**
 - **Combination Class B Beer and Liquor License**
 - **Operator Licenses**
 - **Jacqueline Kelly**
 - **Alexzandra Krempasky**
 - **Bethany Shelton-Gulland**
 - **Gaming Machine License (5 video gaming + 2 miscellaneous)**
 - **Class B Dance Hall License**

- **Robert Gleason (Gleason Truck and Equipment), 2118 North Sylvania Avenue**
 - **Junk or Auto Salvage Facility License**

- **Wisconsin Sportsman's Association, 16010 Durand Avenue (STH 11)**
 - **Shooting Facility License**

- **Richard and Janice Fonk (Harvest View Estates), 15941 Durand Avenue (STH 11)**
 - **Mobile Home Park License**

- **Konstantinos Gianakakis (Esmonds Motel), 4900 South Colony Avenue (USH 45)**
 - **Hotel/Motel License**

- **Global Hotels, Inc. dba Quality Inn, 910 South Sylvania Avenue**
 - **Hotel/Motel License**

McKinney stated that he was not aware of any outstanding issues regarding any of these properties.

Motion (S. Nelson, Maurice) to grant all licenses and permits applied for, with no conditions, MC.

Application submitted by Route 20, 14001 Washington Avenue (STH 20), for an Annual Special Event Permit for the period of July 1, 2019, through June 30, 2020

McKinney stated that the applicant for this permit contacted him asking whether the applicant would need to apply for a zoning permit every time an event took place on this property if this annual special event permit application were approved by the Village Board and the only activity that would take place off-site in relation to said events would be parking.

Motion (Funk, Maurice) to grant an Annual Special Event Permit to Route 20, 14001 Washington Avenue (STH 20), for the period of July 1, 2019, through June 30, 2020, with the determination that a zoning permit shall not be required for any events taking place solely on this property, with the exception that parking for said events shall be allowed on other properties, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by The Annex, LLC (with John Kurt as applicant/agent) for the parcel located at 4514 Jack Pine Lane (Parcel ID # 194-03-21-31-018-019) in the B-3 (Commercial Service) Zoning District to allow for the construction of an approximately 7,320-square foot multi-tenant commercial building

D. Nelson opened the public hearing at 6:13 p.m.

John Kurt stated that the primary tenant of this building would be a 3,000-square foot hair salon and spa. He noted that there will be three tenants in this building. He stated that the building materials used for this building will include timber and glass. He noted that the business hours would be left up to the individual tenants to schedule. He stated that he is still waiting for state approval of the building plans for this project and plans to have the building completed by next summer.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:17 p.m.

Conditional use application submitted by The Annex, LLC (with John Kurt as applicant/agent) for the parcel located at 4514 Jack Pine Lane (Parcel ID # 194-03-21-31-018-019) in the B-3 (Commercial Service) Zoning District to allow for the construction of an approximately 7,320-square foot multi-tenant commercial building

Motion (Alby, Geschke) to recommend approval of the conditional use application submitted by The Annex, LLC (with John Kurt as applicant/agent) for the parcel located at 4514 Jack Pine Lane (Parcel ID # 194-03-21-31-018-019) in the B-3 (Commercial

Service) Zoning District to allow for the construction of an approximately 7,320-square foot multi-tenant commercial building, with the following conditions:

- 1. Zoning Permit. Before the event, the applicant must obtain a zoning permit card from the Racine County Development Services Office after paying a zoning permit fee of \$1,250.00. 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. Tenants. Each tenant is required to obtain an occupancy permit prior to occupying any unit in the building. Tenants are restricted to uses allowed in the B-3 Zoning district. A zoning permit can be obtained from the Racine County Development Services Office after submitting a copy of the lease agreement for the unit, a written business operation plan, and applicable zoning permit fee at the time of application as displayed in the Racine County Development Services Department Fee Schedule for Village of Yorkville.**
- 3. Private Onsite Wastewater Treatment System. Before the issuance of a zoning permit, a sanitary permit must be obtained from the Racine County Development Services Department. Please contact their office at (262) 886-8440. Industrial wastes and wastewater may not be introduced into a plumbing drain system that is served by a POWTS unless approved by the Wisconsin Department of Natural Resources (WDNR) under ch. 214 regulations.**
- 4. 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.**
- 5. 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.**
- 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 May 9, 2019, unless otherwise amended herein.**
- 8. Compliance with Previous Conditions of Approval. All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.**
- 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, as applicable to the Village of Yorkville (copy attached).**

10. **Loading Requirements.** Adequate loading areas shall be provided so that all vehicles loading, maneuvering or unloading are completely off the public ways and so that all vehicles need not back onto any public way. Reference Section 20-1087, Chapter 20, Zoning, Racine County Code of Ordinances, as applicable to the Village of Yorkville.
11. **Outside Storage.** Except for vehicle parking, outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Scrap material (recycle) bins must be screened from public view.
12. **Exterior Lighting.** All exterior lighting must be arranged, oriented, or shielded in such a manner that direct radiation or glare from such source does not penetrate adjacent or nearby parcels or the public right-of-way. The source of such illumination must be arranged, oriented, or shielded in a manner that will not endanger the safety of pedestrian or vehicular traffic.
13. **Refuse.** This site must be kept neat and orderly always, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner.
14. **Signs.** Any advertising sign on this property must conform to the Racine County Ordinance standards, as applicable to the Village of Yorkville, and will require a separate zoning permit(s) prior to installation.
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. **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.
19. **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, The Annex LLC, John Kurt, his heirs,

successors, and assigns are responsible for full compliance with the above conditions.

20. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions, MC.

Motion (Maurice, Bartlett) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by The Annex, LLC (with John Kurt as applicant/agent) for the parcel located at 4514 Jack Pine Lane (Parcel ID # 194-03-21-31-018-019) in the B-3 (Commercial Service) Zoning District to allow for the construction of an approximately 7,320-square foot multi-tenant commercial building, with no additional conditions beyond those recommended by the Plan Commission, MC.

Borrow pit/waste area plans submitted by Buteyn-Peterson Construction Co., Inc. for the parcel located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District (WISDOT construction project under Select Site criteria per Sec. 85.193, Wis. Stat.)

Geary provided a summary of a meeting held between Village and Wisconsin Department of Transportation representatives on May 28. He stated that the vehicles accessing this site may be able to access it from Braun Road from the east or the west as an alternate route in case of road closures. He noted that state statutes ensure that Braun Road will be returned to the same if not better condition by the state upon the completion of the project. Madsen stated that he performed a video inventory of Braun Road, noting that there was some minor cracking of the road. Geary stated that the project may start around August 1 and last approximately 45 days. He noted that there are no turn lanes proposed for the access driveway to this site, adding that the driveway will be across from the Jehovah's Witnesses church driveway. D. Nelson stated that the Wisconsin Department of Transportation was not willing to consider a temporary speed limit reduction on Braun Road during this project. The Village Board asked Geary to reach out to the project manager to discuss implementing a road bond for this project.

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

Deer Haven Subdivision feral cat complaint

Lawrence Robers stated that his neighbor provides food and shelter to feral cats, adding that two litters have been born in the last few weeks. He noted that the cats defecate on his lawn. Geary stated that the Village may be able to treat this issue as a public nuisance, adding that the Village can either issue a citation or a nuisance abatement order to the property owner.

Motion (Maurice, Funk) to direct the Village's attorney to send a nuisance letter to the property owner regarding this issue, instructing the property owner to remove the food and shelter provided for the feral cats, MC.

Stonecrest Shores Subdivision drainage

Funk stated that the ditches within the Village's right-of-way and elsewhere in the subdivision are silted in, which is impeding drainage in the subdivision. He suggested that the best way to

handle this issue is by clearing out the ditches beginning at the East Branch of the Root River Canal and working outward. S. Nelson suggested that the Village clean out the ditches in the right-of-way once the ditches leading from the right-of-way are cleaned out by the subdivision's homeowner's association.

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

Public Hearing - The Village Board and Plan Commission held a public hearing to hear public comment on an application submitted by Daniels Sharpsmart, Inc. for a 2019-2020 Solid Waste Disposal, Storage or Treatment Permit to operate a regulated medical waste treatment facility utilizing Autoclave (steam sterilization treatment) technology at 1340 Grandview Parkway (Parcel ID # 018-03-21-13-029-070) in the M-3 (Heavy Industrial) Zoning District

D. Nelson opened the public hearing at 7:06 p.m.

Gary Hanson stated that this facility has had recent discharges with pH levels that fall outside of the limits set for them by their existing discharge permit.

With no other comments forthcoming, D. Nelson closed the public hearing at 7:13 p.m.

Application submitted by Daniels Sharpsmart, Inc., 1340 Grandview Parkway, for a Solid Waste Disposal, Storage or Treatment Permit for the period of July 1, 2019, through June 30, 2020

Alan Larosee stated that this facility's air exchanger was replaced over the weekend because it had holes in it, adding that it will now be composed of stainless steel instead of copper. He added that this should address the odor complaints that the Village received recently.

Motion (S. Nelson, Bartlett) to grant a temporary Solid Waste Disposal, Storage or Treatment Permit to Daniels Sharpsmart, Inc., 1340 Grandview Parkway, for the period of July 1, 2019, through July 31, 2019, and to revisit Daniels Sharpsmart's permit application for additional consideration at the July 22, 2019 Village Board meeting, MC.

Pre-application conference regarding a proposed development of the parcels located at 3400 South Sylvania Avenue and 14017 Durand Avenue (STH 11) (Parcel ID #'s 194-03-21-25-007-010 and 194-03-21-25-005-001)

Corey Lapworth, Falamak Nourzad and Adam Artz presented a plan for this proposed development, which includes multiple lots, uses and buildings of various sizes, with access points to Durand Avenue (STH 11) and South Sylvania Avenue. Nourzad stated that the layout and use of this site can be changed as market needs adjust. Artz stated that a final access plan has not been created for this site since it is unknown how it would be laid out but added that the roads throughout the site would be dedicated to the Village. Madsen stated that the stormwater pond currently on the site is used for stormwater runoff for the facility located at 3030 South Sylvania Avenue. Artz stated that there is no timeline for this project.

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

Ordinances regarding opening hours for alcohol sales

McKinney stated that the Village's ordinances allow alcohol sales to begin at 8:00 a.m. in Class A establishments, such as gas stations and grocery stores. He noted that state statutes allow for alcohol sales to begin in such establishments at 6:00 a.m. He stated that a business owner contacted him asking that the Village consider amending their ordinances to allow alcohol sales to begin at 6:00 a.m. instead.

Motion (S. Nelson, Bartlett) to instruct the Village's attorney to draft an ordinance changing the daily start time for Class A alcohol sales from 8:00 a.m. to 6:00 a.m., MC.

Two Mile Road bridge structural review and analysis proposals

McKinney stated that he received the following two proposals for the structural review and analysis of the bridge on Two Mile Road over the West Branch of the Root River Canal:

- Westbrook Associated Engineers, Inc., \$2,984.00
- Graef-USA Inc., \$7,300.00

Motion (S. Nelson, Maurice) to approve the proposal submitted by Westbrook Associated Engineers, Inc. for Two Mile Road bridge structural review and analysis as presented in the amount of \$2,984.00, MC.

Road maintenance quotes

Maurice stated that these quotes need to be reviewed further to establish a priority list of projects that could be completed yet this year.

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

Temporary Operator License application submitted by Keith Mann for Friday, June 14, 2019, and Saturday, June 15, 2019

Motion (Funk, Maurice) to grant a Temporary Operator License to Keith Mann for Friday, June 14, 2019, and Saturday, June 15, 2019, with no conditions, MC.

Reports

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

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

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

- That he has not heard from Huddleston-McBride Land Drainage Co. regarding when drain tile location and televising will begin on 67th Drive near 58th Road
- That this year's planned repaving of 67th Drive between 52nd Road and Plank Road (CTH A) is being scheduled for late July or early August
- That the planned Queens Brook Lane extension approved last year as part of a certified survey map may begin soon

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

Roads/Public Works Committee Report: Funk stated that mowing of the Village's rights-of-way recently started. He added that he was made aware of a small sinkhole forming in Church Road.

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

- That he will be out of the office several days this week for training
- That a Yorkville Long-Range Planning/Ordinance Committee meeting will be held on June 11
- That the June 24 Village Board meeting will include a discussion regarding whether to establish a tax incremental financing district within and/or adjacent to Grandview Business Park

Public Comments, Questions and Suggestions

Ken Nelson commented on the tax incremental financing district creation process.

Adjournment

Motion (Alby, Bartlett) to adjourn, MC. The meeting was adjourned at 8:35 p.m. The next scheduled Village Board meeting is Monday, June 24, 2019, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer