

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, AUGUST 12, 2019

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:18 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 Nick Willkomm representing Pine Haven Enterprises, Max Zuleta and Jeanne Koivunen-Zuleta representing Art Below Zero, Marcelino Maldonado representing Stewart and Sons Construction, Matthew Schwegel, Alan Jasperson, Erin Pugh, Attorneys Tim Pruitt and Tyler Helsel, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and three unidentified attendees.

Approval of Minutes

Motion (S. Nelson, Bartlett) to approve the July 22, 2019 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Village Invoices

Motion (Maurice, Bartlett) to approve payment of Village invoices as presented in the amount of \$90,363.70, 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 joint public hearing to hear public comment on a conditional use application submitted by Pine Haven Enterprises, LLC

(with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 194-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts to allow for the continuation of a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt

D. Nelson opened the public hearing at 6:20 p.m.

Nick Willkomm stated that several thousand cubic yards of clay are removed from this site annually, adding that any crushing and recycling of concrete or asphalt generally occurs once every few years.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:21 p.m.

Conditional use application submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 194-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts to allow for the continuation of a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt

Motion (Alby, Geschke) to recommend approval of the conditional use application submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 194-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts to allow for the continuation of a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt, with the following conditions:

- 1. Zoning Permit. The applicant must obtain a zoning permit card from this office after paying the required \$1,010.00 fee (\$950.00, plus \$15.00 per acre). 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. Financial Assurance. The original financial assurance bond of \$20,000.00 no longer meets the requirements of NR 135.40 of the Wisconsin Administrative Code (W.A.C.). A new financial assurance bond is required to be submitted to meet the current requirements of NR 135.40 of the W.A.C. prior to issuance of a zoning permit.***
- 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. Expiration. This is a two-year approval, which expires on August 12, 2019. The applicant must request a Site Plan Review prior to the deadline of this permit if the***

clay removal and site restoration is not completed by that time. Once clay extraction is completed, the applicant must rezone the site out of the M-4 District.

- 6. Annual Fee.** *The Wisconsin Department of Natural Resources requires that a non-metallic mining fee be paid on an annual basis, in conjunction with a required report of non-metallic mining activity. By way of this approval, you are hereby notified that in the 4th quarter of 2017 you will receive an invoice and a request for non-metallic reporting from this office. This office then must prepare a countywide report and submit a fee to the State of Wisconsin. Note that this fee is separate from the zoning fee indicated in Number 1 of these conditions.*
- 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 July 11, 2019, unless otherwise amended herein.*
- 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, as applicable to the Village of Yorkville (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. Concrete/Asphalt Storage.** *Storage of concrete and asphalt to be crushed for recycled materials shall be located on the area designed as future parking lot use.*
- 11. Final Grading.** *Once final excavating and grading is complete, top soil will need to be spread and the site will need to be seeded. Once seeded, erosion control netting will need to be placed across the steep slopes to prevent erosion during the establishment of grass.*
- 12. Tracking Pads.** *Tracking pads must be used to minimize the amount of soil that leaves the site on truck and trailer tires. The applicant will have to work with the Racine County Public Works Department to ensure that County Line Road (CTH "KR") is kept clean after each day of hauling of clay from the site.*
- 13. Hours of Operation.** *The hours of operation for this project will be Monday through Friday 7:00 a.m. to 7:00 p.m. and on Saturday 7:00 a.m. to 12:00 p.m. Should Racine County receive substantiated reports that hauling is occurring outside of approved hours, the County and Village could re-visit the conditional use permit and impose more restrictive hours and/ or days of operation.*

14. **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. Maintain existing seeded areas to prevent soil from eroding off site.
15. **Drainage.** Do not block or create surface water discharge problems on the adjacent properties. Drain tiles exist on site and may need to be relocated or replaced to maintain drainage on the and neighboring properties. Tile size, elevations, and drainage areas need to be taken into consideration before disturbing the existing tile system.
16. **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. The Village of Yorkville must review and approve any drainage plans for this site prior to clay extraction.
17. **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.
18. **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.
19. **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.
20. **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.
21. **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.
22. **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.

- 23. 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.
- 24. 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.
- 25. 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.
- 26. 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, Pine Haven Enterprises, LLC, Nick Willkomm, their heirs, successors, and assigns are responsible for full compliance with the above conditions.
- 27. Subsequent Owners.** It is the property owner's responsibility to inform any subsequent owner or operator of these conditions, MC.

Motion (S. Nelson, Funk) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 194-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts to allow for the continuation of a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt, with the following conditions:

- 2. Financial Assurance.** The original financial assurance bond of \$20,000.00 no longer meets the requirements of NR 135.40 of the Wisconsin Administrative Code (W.A.C.). A new financial assurance bond is required to be submitted to meet the current requirements of NR 135.40 of the W.A.C. prior to issuance of a zoning permit. The Village's engineer shall approve this bond's sufficiency.
- 28. Site Restoration Plans.** Storm water restrictions on the site shall meet the requirements of Planning Report Number 44, A Comprehensive Plan for the Des Plaines River Watershed, as published by the Southeastern Wisconsin Regional Planning Commission, and shall be approved by the Village of Yorkville and Racine County, 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 CLC One Headlight Investments, LLC (with Max Zuleta and Jeanne Koivunen-Zuleta as applicant/agent) for the vacant parcel located immediately to the south of 2638 North Sylvania Avenue (Parcel ID # 194-03-21-01-002-001) in the B-3 (Commercial Service) Zoning District to allow for a temporary attraction called "Art Below Zero's Ice Experience", which includes a merchandise/beverage tent, ice container, live music and ice sculpting demonstrations

D. Nelson opened the public hearing at 6:29 p.m.

With no comments forthcoming, D. Nelson closed the public hearing at 6:29 p.m.

Conditional use application submitted by CLC One Headlight Investments, LLC (with Max Zuleta and Jeanne Koivunen-Zuleta as applicant/agent) for the vacant parcel located immediately to the south of 2638 North Sylvania Avenue (Parcel ID # 194-03-21-01-002-001) in the B-3 (Commercial Service) Zoning District to allow for a temporary attraction called "Art Below Zero's Ice Experience", which includes a merchandise/beverage tent, ice container, live music and ice sculpting demonstrations

Madsen stated that positive drainage must be maintained at this site, adding that much of this site is already impervious, with minimal additional disturbance proposed. Jeanne Koivunen-Zuleta stated that crushed stone will be brought in for the parking lot, adding that the signage advertising this use will be removed by March 1, 2020. She noted that porta-potties will be used as the restroom facilities for his site.

Motion (Geschke, DeGarmo) to recommend approval of the conditional use application submitted by CLC One Headlight Investments, LLC (with Max Zuleta and Jeanne Koivunen-Zuleta as applicant/agent) for the vacant parcel located immediately to the south of 2638 North Sylvania Avenue (Parcel ID # 194-03-21-01-002-001) in the B-3 (Commercial Service) Zoning District to allow for a temporary attraction called "Art Below Zero's Ice Experience", which includes a merchandise/beverage tent, ice container, live music and ice sculpting demonstrations, with the following conditions:

- 1. Zoning Permit. The applicant must obtain a zoning permit card from this office after paying the required \$250.00 fee. 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. 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.

5. **Duration of Event.** This approval is for a one-time seasonal event. “The Ice Experience” will be open from November 1, 2019 to March 15, 2020. The event must be removed by March 18, 2020. Any future events will require prior approval from the Village of Yorkville Plan Commission.
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 July 15, 2019, unless otherwise amended herein.
7. **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).
8. **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.
9. **Hours of Operation.** The proposed hours of operation are as follows:

Monday:	Closed
Tuesday:	Closed
Wednesday:	12:00 p.m. - 10:00 p.m.
Thursday:	12:00 p.m. - 10:00 p.m.
Friday:	12:00 p.m. - 10:00 p.m.
Saturday:	12:00 p.m. - 10:00 p.m.
Sunday:	1:00 p.m. - 6:00 p.m.
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. **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.

- 12. Signs.** *Any advertising sign on this property must conform to Racine County Ordinance standards, as applicable to the Village of Yorkville, 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.*
- 13. 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.*
- 14. 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.*
- 15. Substantiated Complaints.** *The Village of Yorkville Plan Commission reserves the right to require the owner to appear before the Plan Commission to address substantiated complaints involving this operation. The Village of Yorkville Plan Commission may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.*
- 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 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.*
- 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, CLC One Headlight Investments, LLC, Max and Jeanne Zuleta, their 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 (Funk, Maurice) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by CLC One Headlight Investments, LLC (with Max Zuleta and Jeanne Koivunen-Zuleta as applicant/agent) for the vacant parcel located immediately to the south of 2638 North Sylvania Avenue (Parcel ID # 194-03-21-01-002-001) in the B-3 (Commercial Service) Zoning District to allow for a temporary attraction called "Art Below Zero's Ice Experience", which includes a merchandise/beverage tent, ice container, live music and ice sculpting demonstrations, 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 application submitted by Stewart and Sons Construction, LLC (with Marcelino Maldonado as applicant/agent) for the parcel located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11-017-003) in the A-2 (General Farming and Residential II) Zoning District to allow for the razing of two accessory structures and a silo, the construction of a 40-foot by 72-foot (2,880-square foot) pole barn, and the use of a portion of said pole barn for the storage and maintenance of construction equipment and vehicles for Stewart and Sons Construction

D. Nelson opened the public hearing at 6:35 p.m.

Madsen stated that the applicant cannot allow runoff from this site to impact any adjacent property owners, adding that erosion control measures must also be implemented. He noted that this proposed use must not cause any impediment to stormwater inlets adjacent to the property within the Village's right-of-way. Discussion also focused on a proposed condition of approval that would restrict the location and number of vehicles that could be stored on this property. Marcelino Maldonado stated that four employees would work from this site.

Paul Perman, 15518 Ives Grove Road, spoke in favor of this proposal, stating that the applicant has cleaned up and improved this property since acquiring it.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:41 p.m.

Conditional use application submitted by Stewart and Sons Construction, LLC (with Marcelino Maldonado as applicant/agent) for the parcel located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11-017-003) in the A-2 (General Farming and Residential II) Zoning District to allow for the razing of two accessory structures and a silo, the construction of a 40-foot by 72-foot (2,880-square foot) pole barn, and the use of a portion of said pole

barn for the storage and maintenance of construction equipment and vehicles for Stewart and Sons Construction

Motion (Geschke, DeGarmo) to recommend approval of the conditional use application submitted by Stewart and Sons Construction, LLC (with Marcelino Maldonado as applicant/agent) for the parcel located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11-017-003) in the A-2 (General Farming and Residential II) Zoning District to allow for the razing of two accessory structures and a silo, the construction of a 40-foot by 72-foot (2,880-square foot) pole barn, and the use of a portion of said pole barn for the storage and maintenance of construction equipment and vehicles for Stewart and Sons Construction, with the following conditions:

- 1. Zoning Permit. The applicant must obtain a zoning permit card from this office after paying the required \$250.00 fee. 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. Private Onsite Wastewater Treatment System. Portable restrooms are not allowed for use associated with this approval. If additional sanitary facilities are needed or required, connection to a code-compliant Private Onsite Wastewater Treatment System is required. Contact the Development Services department for more information 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. 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 July 11, 2019, unless otherwise amended herein.***
- 7. 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).***
- 8. 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.

- 9. Outside Storage. Outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris.*
- 10. Stockpiling. Storage of materials, not contained within the dump truck, is not allowed on-site.*
- 11. Vehicles/Equipment. This approval is only for the indoor parking/storage of vehicles or equipment associated with the business known as "Stewart and Sons Construction LLC".*
- 12. Hours of Operation. The hours of operation for this project will be Sunday through Saturday 7:00 a.m. to 5:00 p.m. Should Racine County receive substantiated reports that hauling is occurring outside of approved hours, the County and Village could re-visit the conditional use permit and impose more restrictive hours and/ or days of operation.*
- 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. 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.*
- 14. 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.*
- 15. Signs. Any advertising sign on this property must conform to Racine County Ordinance standards, as applicable to the Village of Yorkville, 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.*
- 16. 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.*

- 17. 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.*
- 18. Substantiated Complaints.** *The Village of Yorkville Plan Commission reserves the right to require the owner to appear before the Plan Commission to address substantiated complaints involving this operation. The Village of Yorkville Plan Commission may direct the owner to implement possible corrective measures to address the complaints. The Conditional Use Permit could be subject to revocation proceedings if substantiated complaints are not addressed by corrective measures.*
- 19. 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.*
- 20. 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.*
- 21. 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.*
- 22. 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.*
- 23. 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, Stewart and Sons Construction, LLC, Marcelino Maldonado, their heirs, successors, and assigns are responsible for full compliance with the above conditions.*
- 24. Subsequent Owners.** *It is the property owner's responsibility to inform any subsequent owner or operator of these conditions, MC.*

Motion (S. Nelson, Bartlett) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Stewart and Sons Construction, LLC (with Marcelino Maldonado as applicant/agent) for the parcel located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11-017-003) in the A-2 (General Farming and

Residential II) Zoning District to allow for the razing of two accessory structures and a silo, the construction of a 40-foot by 72-foot (2,880-square foot) pole barn, and the use of a portion of said pole barn for the storage and maintenance of construction equipment and vehicles for Stewart and Sons Construction, with the following conditions:

25. Stormwater Inspection. The Village's engineer shall, at the applicant's expense, conduct a site visit prior to the start of any work at this site to document the current condition of the stormwater inlets adjacent to this site.

26. Setback. The minimum property line setback for the pole barn permitted by this approval shall be fifteen feet, MC.

15521 50th Road conditional use/zoning issues

McKinney stated that two outstanding issues identified by the owner of this property during the public comment portion of the joint Village Board/Plan Commission meeting held on July 8 were the status of an unpermitted sign on the property and the restroom facilities required to serve the existing business located on the property. He added that the Village's zoning administrator informed him that he would rely on the Village's building inspector's determination regarding whether the existing bathroom in the home could be used to serve this business.

Motion (S. Nelson, Maurice) to not require the owner of the property located at 15521 50th Road to obtain a zoning permit for the existing signage on the property, MC.

Yorkville Meadows Court/Washington Avenue (STH 20) intersection options

Alan Jasperson appeared before the Village Board to present five options for the intersection to be located at Yorkville Meadows Court and Washington Avenue (STH 20), which must be approved by the Wisconsin Department of Transportation. Discussion focused on the Village's responsibility for maintaining this intersection and the safety of each option presented.

Motion (Maurice, Funk) to recommend that the Wisconsin Department of Transportation require the developer of the Yorkville Meadows subdivision to implement Option #1 (standard intersection), MC.

17806 Spring Street (CTH C) property maintenance

The Village Board discussed the current condition of this property as well as the enforcement history related to the condition of this property. Discussion also focused on whether the property could be declared as a public nuisance.

Motion (S. Nelson, Funk) to authorize the Village's code enforcement officer to conduct a site visit at the property located at 17806 Spring Street (CTH C) to investigate the condition of said property and to authorize the Village's attorney to pursue a special inspection warrant to gain access to the property, if necessary, MC.

Ordinance 2019-05 To rename in part, amend in part, and create in part, Chapter 6, Article V, related to Dangerous Prohibited Animals in the Village of Yorkville, Racine County, Wisconsin

Hesel stated that this ordinance would eliminate the breed-specific dog prohibition in the Village's existing ordinances, would establish a process for classifying an animal as a prohibited dangerous animal and would establish an appeals process for any animal classified as a prohibited dangerous animal. The Village Board discussed an amendment to the ordinance that would address specific references to domestic or domesticated animals.

Motion (S. Nelson, Bartlett) to adopt Ordinance 2019-05 as amended, MC.

Appointment of a Village Joint Review Board representative

Motion (Maurice, S. Nelson) to confirm the Village President's appointment of Cory Bartlett as the Village's representative on the Village of Yorkville's Joint Review Board, MC.

Resolution 2019-11 Appointing the Clerk-Treasurer of the Village of Yorkville to a three-year term

Pruitt stated that this appointment is required every three years by ordinance.

Motion (Funk, Bartlett) to adopt Resolution 2019-11 as presented, MC.

Wisconsin Department of Natural Resources recycling grant program responsible unit representative authorizing resolution

McKinney stated that adoption of this resolution is required as the previous resolution became invalid once Yorkville became a village.

Motion (S. Nelson, Maurice) to adopt the Wisconsin Department of Natural Resources recycling grant program authorizing resolution appointing the Clerk-Treasurer as the Village's responsible unit representative, MC.

Waste and recycling collection site gate repair quotes

McKinney stated that he received the following quotes for the repair of the waste and recycling collection site gate:

- Mano Fencing, straightening of an existing damaged gate post, \$295.00
- Statewide Fencing, replacement of an existing damaged gate post, \$880.00

Motion (Maurice, Funk) to approve the quote as presented by Statewide Fencing in the amount of \$880.00 for the replacement of a damaged gate post at the waste and recycling collection site, MC.

2019-2020 annual Operator License applications submitted by the following:

- Jeanette Stuckart
- Mollie Svatek

Motion (Maurice, Funk) to grant all listed 2019-2020 annual Operator Licenses as presented, with no conditions, MC.

Upcoming Clerk-Treasurer schedule/benefit time use

McKinney stated that he would like to be able to work from home during his upcoming medical leave and touse the time worked during his medical leave to reduce the number of sick time hours he will need to use during his absence.

Motion (Bartlett, Funk) to authorize the Clerk-Treasurer to work from home during his upcoming medical leave and to use said time worked to reduce the amount of sick time hours used during his absence, MC.

Reports

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

Motion (Funk, 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 sent out a letter to the owner of the property located at 2209 South Colony Avenue (USH 45) and the Wisconsin Department of Transportation regarding the stormwater drainage on that property
- That the retention pond in the Yorkville Meadows subdivision has been completed
- That Huddleston-McBride's drain tile location and televising on 67th Drive near 58th Road is still scheduled to proceed

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 reported to the Village Board on the following:

- That a cross-road culvert on 61st Drive has been replaced
- That he received a complaint about speeding vehicles on 57th Drive

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

- That a Long-Range Planning/Ordinance Committee meeting will be held on August 19
- That the August 26 Village Board meeting agenda will include an item regarding the

raze/repair orders issued for the properties located at 2848 Twin Waters Lane and 18917 52nd Road

- That a Board of Appeals public hearing is scheduled for September 4 to hear a variance request for the vacant parcel located immediately to the south of 2638 North Sylvania Avenue
- That a Joint Review Board meeting will be held on September 9
- That the following items will appear on the September 9 joint Village Board/Plan Commission meeting agenda:
 - 2505 65th Drive conditional use
 - 2232 North Sylvania Avenue conditional use extension
- That the Village's National Flood Insurance Program application has been approved
- That Westbrook Associated Engineers provided him with an updated bridge load rating recommendation for the Two Mile Road bridge over the West Branch of the Root River Canal
- That stormwater plans are currently being put together for the property located at 18324 Durand Avenue (STH 11)

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

Adjournment

Motion (Maurice, Funk) to adjourn, MC. The meeting was adjourned at 8:09 p.m. The next scheduled Village Board meeting is Monday, August 26, 2019, at 6:00 p.m.

Michael McKinney
Clerk-Treasurer