

## MINUTES

VILLAGE OF YORKVILLE  
JOINT VILLAGE BOARD/PLAN COMMISSION  
VILLAGE BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, SEPTEMBER 9, 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 Robert Gleason representing 2232 North Sylvania LLC/2118 North Sylvania LLC, Jay and Carey Volling representing JV Trucking, Jon Cameron representing Ehlers, Alan Jaspersen, Sherry Gruhn, Kenneth Dickinson, Janell Dickinson, Dan Minton, Attorney Tim Pruitt and Clerk-Treasurer Michael McKinney.

### Approval of Minutes

***Motion (S. Nelson, Funk) to approve the August 12, 2019 Village Board, August 12, 2019 joint Village Board/Plan Commission and August 26, 2019 Village Board meeting minutes as presented, Motion Carried (MC).***

### Approval of Financial Reports

***Motion (Funk, Maurice) to approve the August 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 \$69,100.73, 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:

**Conditional use extension request submitted by 2232 North Sylvania LLC / 2118 North Sylvania LLC (with Robert Gleason as applicant/agent) for the parcel located at 2232**

**North Sylvania Avenue and the vacant parcel located immediately to the south of this parcel (Parcel ID #'s 018-03-21-01-019-000 and 018-03-21-01-020-000) in the M-3 (Heavy Industrial) Zoning District for the conditional use previously approved on October 8, 2018**

Pruitt questioned whether substantial work has occurred on this property. He noted that several conditions of the approval of this conditional use have not been met, including the submission of a site plan, well testing and a wetland delineation. Robert Gleason stated that a wetland delineation is scheduled to take place by next week. Maurice stated that work has already begun on this property, including earth moving and tree and junk removal. Gleason stated that the use of this property is not affiliated with the recent approval of a similar operation in the Village of Caledonia.

***Motion (DeGarmo, Geschke) to recommend approval of the conditional use extension request submitted by 2232 North Sylvania LLC / 2118 North Sylvania LLC (with Robert Gleason as applicant/agent) for the parcel located at 2232 North Sylvania Avenue and the vacant parcel located immediately to the south of this parcel (Parcel ID #'s 018-03-21-01-019-000 and 018-03-21-01-020-000) in the M-3 (Heavy Industrial) Zoning District for the conditional use previously approved on October 8, 2018, with no conditions, MC.***

***Motion (S. Nelson, Bartlett) to accept the Plan Commission's recommendation and to approve the conditional use extension request submitted by 2232 North Sylvania LLC / 2118 North Sylvania LLC (with Robert Gleason as applicant/agent) for the parcel located at 2232 North Sylvania Avenue and the vacant parcel located immediately to the south of this parcel (Parcel ID #'s 018-03-21-01-019-000 and 018-03-21-01-020-000) in the M-3 (Heavy Industrial) Zoning District for the conditional use previously approved on October 8, 2018, with no conditions, 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 Jay and Carey Volling for the parcel located at 2505 65th Drive (Parcel ID # 194-03-21-04-046-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the construction and use of a 50-foot by 104-foot (5,200-square foot) pole barn for the parking and storage of a semi-tractor, flatbed trailer and dump trailer for a business known as JV Trucking, LLC

D. Nelson opened the public hearing at 6:08 p.m.

Janell Dickinson, 2602 65<sup>th</sup> Drive, spoke in opposition to this proposal, citing concerns regarding the impact of this use on traffic on 65<sup>th</sup> Drive and on the residential character of 65<sup>th</sup> Drive.

Kenneth Dickinson, 2602 65<sup>th</sup> Drive, spoke in opposition to this proposal, citing concerns regarding the impact of an overweight vehicle on the 65<sup>th</sup> Drive road surface.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:15 p.m.

**Conditional use application submitted by Jay and Carey Volling for the parcel located at 2505 65th Drive (Parcel ID # 194-03-21-04-046-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the construction and use of a 50-foot by 104-**

**foot (5,200-square foot) pole barn for the parking and storage of a semi-tractor, flatbed trailer and dump trailer for a business known as JV Trucking, LLC**

Discussion focused on the height and setbacks of the proposed pole barn as well as whether outdoor storage of this vehicle and trailers would be allowed on this property while the proposed pole barn is under construction. Jay Volling stated that he would only return to the property with a loaded vehicle if he was not able to deliver his load on time, adding that this would be an infrequent occurrence. Pruitt stated that the Village Board has the authority to grant a weight limit exemption on 65<sup>th</sup> Drive for this vehicle and trailers for up to a year at a time. Volling stated that he planned to keep the driveway to this property as gravel.

***Motion (Alby, Geschke) to recommend approval of the conditional use application submitted by Jay and Carey Volling for the parcel located at 2505 65th Drive (Parcel ID # 194-03-21-04-046-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the construction and use of a 50-foot by 104-foot (5,200-square foot) pole barn for the parking and storage of a semi-tractor, flatbed trailer and dump trailer for a business known as JV Trucking, LLC, with the following conditions:***

- 1. Zoning Permit. The applicant must obtain a zoning permit card from this office after paying the required \$300.00 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. 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 August 12, 2019, unless otherwise amended herein.***
- 6. 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).***
- 7. 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.*

- 8. Outside Storage. Outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Outside parking of the approved items is prohibited.*
- 9. Stockpiling. Storage of materials, not contained within the dump trailer, is not allowed on-site.*
- 10. Vehicles/Equipment. This approval is only for the indoor parking/storage of one semi-tractor, flatbed trailer, and dump trailer associated with the business known as "JV Trucking, LLC". Parking/storage of any additional vehicles or equipment would require approval by the Village of Yorkville Plan Committee*
- 11. Street Ingress/Egress. No backing the semi-tractor and trailer from or onto 65<sup>th</sup> Drive is allowed.*
- 12. Vehicle Maintenance. Only emergency service or repair of the semi-tractor or trailer is allowed. No storage of fuel, engine oil or other lubricants.*
- 13. Hours of Operation. The hours of operation for this project will be Monday through Friday 5:00 a.m. to 5:00 p.m. Should the Village of Yorkville receive substantiated reports that hauling is occurring outside of approved hours, the Village could revisit the conditional use permit and impose more restrictive hours and/ or days of operation.*
- 14. 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.*
- 15. 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.*
- 16. 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.**

- 17. 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.**
- 18. 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.**
- 19. 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.**
- 20. 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.**
- 21. 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.**
- 22. 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.**
- 23. 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.**
- 24. 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, Jay and Carey Volling, their heirs, successors, and assigns are responsible for full compliance with the above conditions.**

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

**26. Temporary Outdoor Storage. Outdoor parking and storage of a semi-tractor, flatbed trailer and dump trailer shall temporarily be permitted on this property until such time as occupancy approval is granted by the Village's building inspector for the pole barn to be constructed on this property.**

**27. Weight Limit Exemption. The Village of Yorkville grants the applicant, pursuant to Section 50-91(c) of the Village of Yorkville's Code of Ordinances, an exemption to the existing Class B weight limits on 65<sup>th</sup> Drive and Old Yorkville Road for a period of one year, expiring on September 9, 2020. The applicant shall reapply for this exemption by August 17, 2020, MC.**

***Motion (Funk, Maurice) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Jay and Carey Volling for the parcel located at 2505 65th Drive (Parcel ID # 194-03-21-04-046-020) in the A-2 (General Farming and Residential II) Zoning District to allow for the construction and use of a 50-foot by 104-foot (5,200-square foot) pole barn for the parking and storage of a semi-tractor, flatbed trailer and dump trailer for a business known as JV Trucking, LLC, with no additional conditions beyond those recommended by the Plan Commission, MC.***

**Public Hearing** - The Plan Commission held a public hearing to hear public comment on the proposed project plan, boundaries and creation of Tax Incremental District No. 1, Village of Yorkville, Wisconsin

D. Nelson opened the public hearing at 6:30 p.m.

Sherry Gruhn, 17201 Old Yorkville Road, spoke in favor of creating this tax incremental district.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:30 p.m.

**Plan Commission Resolution 2019-01 Designating proposed boundaries and approving a project plan for Tax Incremental District No. 1, Village of Yorkville, Wisconsin**

***Motion (Bartlett, Geschke) to adopt Plan Commission Resolution 2019-01 as presented, MC.***

**15521 50<sup>th</sup> Road conditional use/zoning/building code issues**

McKinney stated that he received an email from the property owner informing him that they no longer planned to pursue their existing business at this address.

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

## **Yorkville Meadows subdivision proposed updates**

Alan Jasperson stated that he recorded the final plat for this subdivision and was still working on a design issue for a retention pond in the subdivision. He added that he planned to sell one subdivision lot by the end of the month. Maurice stated that he and other Village Board members have received complaints regarding runoff from this subdivision.

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

## **2020 road and bridge construction and/or maintenance projects**

The Village Board discussed the following 2020 road and bridge construction and/or maintenance projects:

- 67th Drive between Spring Street (CTH C) and 52<sup>nd</sup> Road
- 55th Drive between 58th Road and Washington Avenue (STH 20)
- 56th Road between Durand Avenue (STH 11) and 58th Road
- The 58<sup>th</sup> Road bridge over the West Branch of the Root River Canal

The Village Board requested that the Village's engineer compile cost estimates for these projects.

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

## **Setting dates for the Village's 2020 budget workshops**

***Motion (S. Nelson, Funk) to schedule the Village's first 2020 budget workshop on Monday, September 30, 2019, at 6:00 p.m., MC.***

## **Setting hours of the Village's 2019 trick-or-treat**

***Motion (Funk, S. Nelson) to set the hours for the Village of Yorkville's 2019 trick-or-treat on Thursday, October 31, 2019, from 5:30 p.m. to 7:30 p.m., 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 was not present to provide his report to the Village Board.

**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 he had no information to report to the Village Board.

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

- That the Board of Appeals issued a variance for the vacant parcel located immediately to the south of 2638 North Sylvania Avenue
- That a Long-Range Planning/Ordinance Committee meeting will be held on September 16
- That the September 23 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 52<sup>nd</sup> Road
- That he plans to attend a meeting with Village of Union Grove and Wisconsin Department of Transportation officials later this week regarding drainage issues south of the Racine County Fairgrounds and west of South Colony Avenue (USH 45)
- That he plans to attend a meeting with Racine County officials in early October regarding the Rails-to-Trails program
- That this year's planned reconstruction of 67<sup>th</sup> Drive between 52<sup>nd</sup> Road and Plank Road (CTH A) has been delayed due to issues with receiving Wisconsin Department of Natural Resources permits to replace a culvert under 67<sup>th</sup> Drive
- That the planned Queens Brook Lane extension should begin at the end of this week

### **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 7:20 p.m. The next scheduled Village Board meeting is Monday, September 23, 2019, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*