

## MINUTES

VILLAGE OF YORKVILLE  
JOINT VILLAGE BOARD/PLAN COMMISSION  
VILLAGE BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, OCTOBER 14, 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 and Aaron Alby. Timothy DeGarmo was absent. Also present were Bill King II representing R&R Insurance Services, Blair Rogacki representing Municipal Property Insurance Company, Dan Verma representing Starmax Racine, LLC, Scott Knutson, Angela Knutson, Joseph Alby, Pam Alby, Engineer Mark Madsen, Clerk-Treasurer Michael McKinney and one unidentified attendee.

### Approval of Minutes

***Motion (S. Nelson, Maurice) to approve the September 23, 2019 Village Board, September 30, 2019 Village Board and October 7, 2019 Village Board meeting minutes as presented, Motion Carried (MC).***

### Approval of Financial Reports

***Motion (Funk, S. Nelson) to approve the September 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 \$97,885.52, 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:

**2019-2020 property, liability and workers compensation insurance proposals**

***Motion (Maurice, S. Nelson) to approve the 2019-2020 property, liability and workers compensation insurance proposal submitted by R&R Insurance Services, MC.***

R&R Insurance Services presented four crime coverage options to the Village Board based upon the level of coverage provided, with option #4 being the most comprehensive of the four options presented.

***Motion (S. Nelson, Bartlett) to approve crime insurance coverage option #4 presented by R&R Insurance Services, 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 Starmax Racine, LLC (with Dan Verma as applicant/agent) for conditional use approval for the vacant parcel located immediately to the south of 910 South Sylvania Avenue (Parcel ID # 194-03-21-13-008-000) in the B-3 (Commercial Service) Zoning District to allow for the construction of a three-story, 100-room hotel

D. Nelson opened the public hearing at 6:16 p.m.

With no comments forthcoming, D. Nelson closed the public hearing at 6:18 p.m.

**Conditional use application submitted by Starmax Racine, LLC (with Dan Verma as applicant/agent) for conditional use approval for the vacant parcel located immediately to the south of 910 South Sylvania Avenue (Parcel ID # 194-03-21-13-008-000) in the B-3 (Commercial Service) Zoning District to allow for the construction of a three-story, 100-room hotel**

Discussion focused on the following:

- The height of the proposed hotel
- A change made by the applicant at the request of the Village's sewer utility manager to replace a proposed saltwater pool with a freshwater pool
- A recommendation from the Village's sewer utility manager regarding proposed limits on chlorides discharges coming from the proposed facility

Madsen stated that he needs to review the wetland report and stormwater plans for this proposed use. He added that this proposed use will also require the following:

- Approval for access to South Sylvania Avenue from the Wisconsin Department of Transportation
- A Notice of Intent filed with the Wisconsin Department of Natural Resources
- A sewer sampling manhole
- Connection to the Village's sewer and water utilities, along with payment of the appropriate sewer connection fee to the Village's sewer utility

***Motion (Bartlett, Alby) to recommend approval of the conditional use application submitted by Starmax Racine, LLC (with Dan Verma as applicant/agent) for conditional use approval for the vacant parcel located immediately to the south of 910 South Sylvania Avenue (Parcel ID # 194-03-21-13-008-000) in the B-3 (Commercial Service)***

**Zoning District to allow for the construction of a three-story, 100-room hotel, with the following conditions:**

- 1. Zoning Permit. The applicant must obtain a zoning permit card from the Racine County Development Services Office after paying a zoning permit fee of \$1,750.00. 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. Board of Appeals. Before the issuance of a zoning permit, the applicant must be granted variance approval from the Village of Yorkville Board of Appeals.**
- 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 September 16, 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. 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.**
- 9. Outside Storage. 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.**
- 10. 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.**

- 11. Landscape Plan. Site landscaping shall be installed as illustrated on the submitted landscape plan received by Development Services September 16, 2019. Landscape plantings are an important part of an attractive commercial area. Landscape plantings have functional as well as aesthetic characteristics which can improve a commercial area to a great extent. Plantings of trees and shrubs can provide shade and shelter, act as limited noise buffers and visual screens, assist in the channeling of pedestrian and vehicular traffic, act as windbreaks, and decrease insolation (incoming solar radiation) before it reaches the ground, thus preventing re-radiation (long-wave radiation) from asphalt and concrete surfaces. The property owner shall maintain the landscape plan and replace any dead or diseased plantings in an acceptable timely manner.**
- 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. Hours of Operation. The hotel will be open and have staff available 24 hours a day, 7 days a week, 365 days a year.**
- 14. 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.**
- 15. 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.**
- 16. Wetland. No filling, grading, or earth disturbance activities may occur in the areas designated as wetland on the plat of survey**
- 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. **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.
19. **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.
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. **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, Starmax Racine LLC, Dan Verma, 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.
25. **Chloride Discharge Limit.** The hotel shall have a chloride discharge limit of 200 mg/l.
26. **Freshwater Pool.** Only a freshwater pool shall be allowed at the hotel.
27. **Site Plan.** The applicant shall submit a site plan to the Village for the Village Engineer's review and approval at the applicant's expense, which shall include, but not be limited to, plans for grading, drainage, stormwater and erosion control, MC.

**Motion (S. Nelson, Funk) to accept the Plan Commission's recommendation and to approve the conditional use application submitted by Starmax Racine, LLC (with Dan Verma as applicant/agent) for conditional use approval for the vacant parcel located immediately to the south of 910 South Sylvania Avenue (Parcel ID # 194-03-21-13-008-**

**000) in the B-3 (Commercial Service) Zoning District to allow for the construction of a three-story, 100-room hotel, with no additional conditions beyond those recommended by the Plan Commission, MC.**

**Pre-application conference regarding a proposed division of the parcel located at 2222 53<sup>rd</sup> Drive (Parcel ID # 194-03-21-02-012-000)**

Scott Knutson stated that he would like to divide this parcel into a larger remnant parcel and a smaller parcel along 53<sup>rd</sup> Drive where a new home would be built for his son. Discussion focused primarily on the road frontage waiver that would be required to approve such a division, as the existing parcel does not have sufficient road frontage per Village ordinances to accommodate two parcels.

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

**1802 10<sup>th</sup> Avenue drainage**

Discussion focused on the ongoing washouts affecting the east driveway to this property and the source of the runoff causing those washouts. The Village Board requested that McKinney follow up with the Village of Union Grove's administrator on this issue.

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

**Yorkville Meadows subdivision drainage**

Madsen stated that he and D. Nelson conducted a site visit in this subdivision to review recent changes to the runoff coming from this subdivision, adding that he recommended that a new berm in the northeast corner of the subdivision be extended and built up to direct runoff away from the adjacent property to the east.

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

**Union Grove Rails-to-Trails project update**

McKinney stated that he and D. Nelson met with local officials and Rails-to-Trails organization representatives regarding this project. Discussion focused on the financial needs of the Rails-to-Trails organization in their attempts to purchase the railroad right-of-way that would be used for this project.

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

**2848 Twin Waters Lane and 18917 52<sup>nd</sup> Road raze/repair order update**

McKinney stated that permits have been applied for and issued for both properties, adding that only the permit for the 52<sup>nd</sup> Road property has been paid for and picked up.

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

## **Road and bridge construction and/or maintenance projects**

The Village Board discussed estimates for the following road and bridge construction projects:

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

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

## **Wisconsin Department of Transportation Multimodal Local Supplement grant program**

The Village Board opted to submit requests to the Wisconsin Department of Transportation Multimodal Local Supplement grant program for the following road construction projects:

- The entire length of 55<sup>th</sup> Drive
- 56<sup>th</sup> Road between Durand Avenue (STH 11) and 58<sup>th</sup> Road
- 67<sup>th</sup> Drive between Spring Street (CTH C) and 52<sup>nd</sup> Road

McKinney stated that the Village of Union Grove was interested in working with Yorkville on another application for 67<sup>th</sup> Drive between 58<sup>th</sup> Road and Durand Avenue (STH 11). The Village Board showed interest in working with Union Grove on this application if Union Grove completed it and filed it.

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

## **2020-2022 Assessment Services Agreement submitted by DH Assessments, LLC**

McKinney stated that this agreement includes an increase of \$600.00 over the Village Assessor's current annual contract of \$21,600.00.

***Motion (S. Nelson, Bartlett) to approve the 2020-2022 Assessment Services Agreement submitted by DH Assessments, LLC as presented, MC.***

## **Stray Animal Collection and Transport Officer employment agreement**

McKinney stated that he met with the Village's Stray Animal Collection and Transport Officer, who informed him that she recently completed coursework to become certified as a humane officer. He added that the Stray Animal Collection and Transport Officer asked him whether the Village would be interested in appointing her as a humane officer, with no change in pay. He stated that as a humane officer she would be able to issue citations, obtain search warrants and perform rabies observations. The Village Board requested that the Stray Animal Collection and Transport Officer attend the October 28 Village Board meeting to discuss this matter further.

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

**Application submitted by WE Energies for a permit to open Old Yorkville Road to allow for the removal of an existing gas valve pit and the installation of a new gas main and valves at the same location**

McKinney stated that he has not received the \$50.00 application fee for this permit. He added that Wisconsin Public Service Commission codes allow a municipality to waive a road opening permit bond requirement such as that Yorkville generally requires for an applicant if the municipality is confident that the applicant will have the financial means to address any deficiencies in the repairs to the road opening.

***Motion (S. Nelson, Maurice) to grant a permit to WE Energies to open Old Yorkville Road to allow for the removal of an existing gas valve pit and the installation of a new gas main and valves at the same location, with the following conditions:***

- ***That the Clerk-Treasurer not issue this permit until such time as the applicant submits the \$50.00 application fee***
- ***That the applicant not be required to submit a road opening bond to the Village of Yorkville, pursuant to Section 130.06 of the Wisconsin Public Service Commission codes, MC.***

**Special event permit application submitted by Louise Paul on behalf of the Greater Union Grove Chamber of Commerce for the Great Pumpkin Chuckin Fest, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from 10:00 a.m. to 6:00 p.m. on Saturday, October 19, 2019**

***Motion (Funk, Maurice) to grant a Special Event Permit to Louise Paul on behalf of the Greater Union Grove Chamber of Commerce for the Great Pumpkin Chuckin Fest, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from 10:00 a.m. to 6:00 p.m. on Saturday, October 19, 2019, with no conditions, MC.***

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

- **Stephanie Faz**
- **Baylea Feuker**

***Motion (Funk, Maurice) to grant all listed 2019-2020 annual Operator Licenses as presented, with no conditions, 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 stated that his office is reviewing stormwater plans submitted for the property located at 18324 Durand Avenue (STH 11).

**Yorkville Stormwater Utility District Report:** S. Nelson stated that the utility's 2020 budget has been completed. He requested that the next Village Board agenda include an item regarding pay for the utility district's commissioners.

**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 a Long-Range Planning/Ordinance Committee meeting will be held on October 21
- That a Board of Appeals public hearing is scheduled for November 6 to hear a variance request for the vacant parcel located immediately to the south of 910 South Sylvania Avenue
- That the November 11 joint Village Board/Plan Commission meeting agenda may include a public hearing regarding the I-94 Corridor Master Plan
- That no response has been received from either the owner of the property located at 2209 South Colony Avenue (USH 45) nor the Wisconsin Department of Transportation regarding the stormwater runoff coming from that property
- That a court hearing regarding a recent small claim filed against the Village is scheduled for December
- That the Central Racine County Health Department sent him information regarding recommended ordinances related to vaping
- That he is seeking quotes for snowplowing and grading at the Village's waste and recycling collection site, which will appear on the October 28 Village Board agenda
- That the Joint Review Board authorized the creation of the Village's first tax incremental district on October 9
- That plans may be submitted soon for a proposed subdivision involving three existing properties on 50<sup>th</sup> Road

D. Nelson provided a summary of a meeting held last week between the Village's sewer utility, the Wisconsin Department of Natural Resources and the Southeastern Wisconsin Regional Planning Commission regarding the utility's long-term planning efforts

### **Public Comments, Questions and Suggestions**

Geschke reported on a trailer being kept on the property located at 2401 65<sup>th</sup> Drive.

### **Adjournment**

***Motion (S. Nelson, Maurice) to adjourn, MC.*** The meeting was adjourned at 8:27 p.m. The next scheduled Village Board meeting is Monday, October 28, 2019, at 6:00 p.m.

Michael McKinney  
*Clerk-Treasurer*