

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, FEBRUARY 10, 2020

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:10 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 Kyle Sondag, John Schmidbauer representing Kueny Architects, John Anderson, Scott Litwin, Attorney Tim Pruitt, Administrator/Clerk Michael McKinney and two unidentified attendees.

Approval of Minutes

Motion (S. Nelson, Bartlett) to approve the January 27, 2020 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

Motion (Maurice, S. Nelson) to approve the January Village and Stormwater financial reports as presented, MC.

Approval of Village Invoices

Motion (Funk, Maurice) to approve payment of Village invoices as presented in the amount of \$68,229.61, 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:

Site plan application submitted by John Anderson for site plan approval for the parcel located at 2334 North Sylvania Avenue (Parcel ID # 194-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to allow for the construction of an 8-foot by 33-foot (264-square foot) addition to the front of the existing office building to accommodate a larger entrance and showroom

Motion (Geschke, Alby) to recommend approval of the site plan application submitted by John Anderson for site plan approval for the parcel located at 2334 North Sylvania Avenue (Parcel ID # 194-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to allow for the construction of a 10-foot by 33-foot (330-square foot) addition to the front of the existing office building to accommodate a larger entrance and showroom, with the following conditions:

- 1. Zoning Permits. The applicant must pay for and obtain a zoning permit from the Racine County Development Services Office before the construction of the addition after paying the zoning permit fee of \$1,000.00. The card must be displayed in a prominent location at the project site, and a copy of the conditions must be kept at the project site at all times until the project has been completed.**
- 2. Sanitation. Sanitary approval must be obtained from the Racine County Development Services office prior to the issuance of a zoning permit. The building addition(s) must be located at least five feet away from the holding tank. It will be the applicant's responsibility to provide adequate information that proves the five-foot setback will be met. The Racine County Development Services Department can be contacted at (262)-886-8440.**
- 3. Compliance. Failure to comply with the terms and conditions stated herein could result in the issuance of citation(s) and/or revocation of this permit.**
- 4. Binding Effect. These conditions bind and are applicable to the Property Owner, Applicant, and agents of the Property Owner (collectively referred to herein as "Applicant" or "Property Owner") with respect to the uses on the Property.**
- 5. Compliance with Previous Conditions of Approval. All applicable conditions from previous approvals shall remain in effect, unless otherwise amended herein.**
- 6. Expiration. This approval will expire nine (9) months from the date of the Village of Yorkville's final approval unless substantial work has commenced following such grant. If this office determines that no substantial work has commenced, the project may not occur unless the Village of Yorkville grants a written extension. Written extension requests must be submitted to the Racine County Development Services Office thirty (30) days before permit/approval expiration.**
- 7. Plans. The proposed project shall be located, constructed, and utilized in accordance with the plans and documents received by the Racine County Development Services Office on January 9, 2020, unless otherwise amended herein.**
- 8. Permits Required for Future Buildings. Any future buildings or additions will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.**

9. **Performance Standards.** *The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances.*
10. **Open Burning.** *Any open burning must comply with the provisions of Section 26-18, of the Village of Yorkville Code of Ordinances. See attached copy of Section 26-18.*
11. **Property Requirements.** *This site must be kept neat and orderly at all times, with all refuse dumpsters out of view of passersby. All disposed items must be done in an environmentally safe manner. Storage of hazardous or otherwise flammable materials in the storage units is prohibited.*
12. **Stockpiling.** *Any stockpiles of topsoil, brush, mulch or other material not located in a storage bin must be located in the rear half of the property and be screened from the road right of way. The stockpile material may not exceed twenty (20) feet in height.*
13. **Operation Requirements.** *The operation shall not locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity, or temperature that might run off, seep, percolate, or wash or be harmful to human, animal, plant or aquatic life.*
14. **Stormwater Requirements.** *The property owner or designated agent must contact the Village of Yorkville regarding stormwater regulations for the site Compliance with all regulations and requirements, as determined by the Village of Yorkville is required.*
15. **Access.** *The applicant must allow any Racine County or Village employee full and unlimited access to the project site at a reasonable time to investigate the project's construction, operation, or maintenance.*
16. **Compliance with Law.** *The applicant is responsible for obtaining all necessary federal, state, and local permits, approvals, and licenses. The applicant is required to comply with all applicable local, state and federal regulations.*
17. **Amendments to Conditional Use Permit.** *No additions, deletions, or changes may be made to the project, site plan, or these conditions without the Village of Yorkville's prior approval. All addition, deletion, and/or change requests must be submitted to the Village of Yorkville or the Racine County Development Services office in writing. A minor change to the conditions of this permit, as deemed by the Zoning Administrator, may be made at a staff level, if authorized by the Zoning Administrator.*
18. **Liability.** *Racine County and the Village of Yorkville 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, Johnnieray Anderson, 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 (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to approve the site plan application submitted by John Anderson for site plan approval for the parcel located at 2334 North Sylvania Avenue (Parcel ID # 194-03-21-01-015-000) in the B-3 (Commercial Service) Zoning District to allow for the construction of a 10-foot by 33-foot (330-square foot) addition to the front of the existing office building to accommodate a larger entrance and showroom, with no additional conditions beyond those recommended by the Plan Commission, MC.

Conditional use application submitted by Mark Sunday (with John Schmidbauer as applicant/agent) for the parcel located at 14314 58th Road (Parcel ID # 194-03-21-24-007-000) in the M-3 (Heavy Industrial) Zoning District to allow for the construction of up to a 17,100-square foot industrial cold storage building

Discussion focused primarily on the need to remove the remaining trailers currently being stored on the property. Kyle Sunday stated that no military-related items will be stored on the property.

Motion (Alby, Geschke) to recommend approval of the conditional use application submitted by Mark Sunday (with John Schmidbauer as applicant/agent) for the parcel located at 14314 58th Road (Parcel ID # 194-03-21-24-007-000) in the M-3 (Heavy Industrial) Zoning District to allow for the construction of up to a 17,100-square foot industrial cold storage building, with the following conditions:

- 1. Zoning Permit. The applicant must obtain a zoning permit from the Racine County Development Services Office for the industrial building after paying the zoning permit fee of \$2,000.00. The 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. Sanitary Permit. The applicant must obtain a Racine County sanitary permit from this office for the connection of the industrial building prior to issuance of the**

zoning permit. A properly licensed master plumber/master plumber-restricted service must submit the application and plans for the sanitary permit.

- 3. Tenants. Each tenant of either industrial building must at a minimum obtain site plan review approval from the Village of Yorkville Plan Commission prior to occupying the site. Each tenant must contact the Racine County Development Services Department at (262)-886-8440 to inquire about occupancy requirements.**
- 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 December 16, 2019, unless otherwise amended herein.**
- 8. Permits Required for Future Buildings. Any future buildings or additions will require prior approval and permits from the Village of Yorkville and Racine County, as agent for the Village of Yorkville.**
- 9. Performance Standards. The applicant must comply with the provisions of Article VII, Division 4, Performance Standards of Chapter 20, Zoning, Racine County Code of Ordinances.**
- 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. 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.

- 12. Exterior Lighting.** *All exterior lighting must be energy efficient and must be located, oriented, and of an intensity to illuminate only the building site or lot without detrimentally affecting activity on adjacent sites or lots or traffic on streets or highways.*
- 13. 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.*
- 14. Parking.** *Parking must be provided as shown on the submitted site plan. Each automobile parking space must be a minimum of nine feet wide and 180 square feet in area, exclusive of the space required for ingress and egress. Handicapped spaces must be provided in accordance with State requirements. Aisles and spaces must be clearly marked. The driveways serving this operation must be located according to the submitted plan. The driveways and all parking areas must be maintained in an all-weather, dust-controlled condition.*
- 15. Outside Storage.** *Except for the vehicle parking area as shown on the submitted plans, outside storage is prohibited, and this property must be kept free of any accumulation of refuse or debris. Refuse bins and/or scrap material (recycle) bins must be screened from public view. This includes the Town of Yorkville's prohibition on the outside storage of aged vehicles, wrecked vehicles, or parts vehicles.*
- 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.*
- 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. 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.*
- 19. Construction.** *During construction, this site must have graveled roads, access drives, and/or parking areas of sufficient width and length to prevent sediment from being tracked onto public or private roadways. Any sediment reaching a*

public or private road must be removed by street cleaning (not flushing) before the end of each work day or as determined by the jurisdictional highway authority.

- 20. 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.**
- 21. 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.**
- 22. 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.**
- 23. 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.**
- 24. 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.**
- 25. 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, Mark Sunday, John Schmidbauer, their heirs, successors, and assigns are responsible for full compliance with the above conditions.**
- 26. Subsequent Owners. It is the property owner's responsibility to inform any subsequent owner or operator of these conditions.**
- 27. Access. The applicant shall pave the existing driveway access to this site with asphalt to the existing pavement of 58th Road; this access shall include 25-foot radius returns, MC.**

Motion (S. Nelson, Bartlett) to table consideration of this agenda item until the February 24, 2020 Village Board meeting, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on proposed Ordinance 2020-01 To partially recodify the Code of Ordinances of the Village of Yorkville

D. Nelson opened the public hearing at 6:40 p.m.

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

Ordinance 2020-01 To partially recodify the Code of Ordinances of the Village of Yorkville

Motion (S. Nelson, Funk) to adopt Ordinance 2020-01 as presented, MC.

Resolution 2020-04 Approving a Predevelopment Reimbursement Agreement with Grandview HW III, LLC for property located in Grandview Business Park

Motion (S. Nelson, Bartlett) to adopt Resolution 2020-04 as presented, MC.

2019-2020 annual Operator License application submitted by Laura Yarbrough

Motion (Funk, Maurice) to grant a 2019-2020 annual Operator License to Laura Yarbrough, with no conditions, MC.

Reports

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

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

- That the remainder of the 67th Drive paving and drainage program project has been bid out
- That his office is currently performing utility locates for planned soil borings at the wastewater treatment plant
- That his office is reviewing plans for a proposed expansion project on the property located at 820 South Sylvania Avenue
- That he has reached out to Huddleston-McBride regarding their planned drain tile location and televising on 67th Drive near 58th Road

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 the Committee will begin planning for this year's annual road tour.

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

- That the spring primary election is scheduled for February 18
- That several complaints have been received regarding the land disturbance work taking place on the property located at 18917 Spring Street (CTH C)

- That a site inspection has been scheduled to take place on Thursday on the property located at 17806 Spring Street (CTH C)
- That a Long-Range Planning/Ordinance Committee meeting is scheduled for February 17

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

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

Closed Session: Zoning of the parcel located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District

Alby excused himself at 7:10 p.m.

Motion (S. Nelson, Maurice) to enter into closed session at 7:10 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(g) to confer with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is or is likely to become involved, specifically regarding the zoning of the parcel located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District. Roll Call - Bartlett, Yes; S. Nelson, Yes; D. Nelson, Yes; Maurice, Yes; Funk, Yes. Motion Carried.

The Village Board and Plan Commission met in closed session to discuss the zoning of the parcel located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District.

Motion (Bartlett, S. Nelson) to return to open session at 7:25 p.m., MC.

Zoning of the parcel located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in the M-4 (Quarrying) Zoning District

Motion (Maurice, S. Nelson) to authorize the Administrator/Clerk to file an application on behalf of the Village for rezoning of the parcel located at 14520 Braun Road (Parcel ID # 194-03-21-25-015-000) in a manner consistent with the Multi-Jurisdictional Comprehensive Plan for Racine County: 2035, from the M-4 (Quarrying) Zoning District to the A-2 (General Farming and Residential II) Zoning District, MC.

Plan Commission Adjournment

Motion (Geschke, DeGarmo) to adjourn, MC. The Plan Commission meeting was adjourned at 7:27 p.m. The next scheduled Plan Commission meeting is Monday, March 9, 2020, at 6:00 p.m.

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

Closed Session: Treasurer position

Motion (S. Nelson, Bartlett) to enter into closed session at 7:28 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(a) to deliberate concerning a case which was the

subject of any judicial or quasi-judicial trial or hearing before that governmental body, specifically regarding the Treasurer position. Roll Call - Bartlett, Yes; S. Nelson, Yes; D. Nelson, Yes; Maurice, Yes; Funk, Yes. Motion Carried.

The Village Board met in closed session to discuss the Treasurer position.

Motion (S. Nelson, Bartlett) to return to open session at 8:25 p.m., MC.

Treasurer position

Motion (S. Nelson, Funk) to terminate the employment of Treasurer Tammy Ruggaber, effective immediately, MC.

Adjournment

Motion (Maurice, Funk) to adjourn, MC. The meeting was adjourned at 8:26 p.m. The next scheduled Village Board meeting is Monday, February 24, 2020, at 6:00 p.m.

Michael McKinney
Administrator/Clerk