

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, AUGUST 9, 2021

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 Katie Nakles representing EMCS, Mark Peterson, Kayla Peterson, Nick Willkomm representing Pine Haven Enterprises, Robert Gleason, James Verwey, Joe Hameister representing Daniels SharpSMART, Michael Kennedy representing Michels Corporation, Joshua Schueller, Rebecca Shepro, Attorney Tim Pruitt, Engineer Mark Madsen, Administrator/Clerk Michael McKinney and six unidentified attendees.

Approval of Minutes

Motion (S. Nelson, Maurice) to approve the July 26, 2021 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Village Invoices

Motion (Bartlett, S. Nelson) to approve payment of Village invoices as presented in the amount of \$66,202.16, MC.

Approval of Stormwater Invoices

McKinney stated 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:

58th Road Bridge over the West Branch of the Root River Canal change management request

Katie Nakles provided an update to the Village Board on the ongoing design process for this bridge replacement project, noting that EMCS would like to submit a change management

request to the Wisconsin Department of Transportation to increase the reimbursable design and construction costs for this project due to issues encountered during the project design process and proposed changes to estimated material quantities for this project.

Motion (Maurice, Funk) to support EMCS' request to submit a change management request to the Wisconsin Department of Transportation for the 58th Road Bridge over the West Branch of the Root River Canal, MC.

Final certified survey map request submitted by the Peterson Family Trust (with Mark Peterson as applicant/agent) for the parcel located at 16835 Spring Street (CTH C) (Parcel ID # 194-03-21-22-007-000) in the A-2 (General Farming and Residential II) Zoning District to allow for the division of this parcel into a 3.53-acre parcel and an approximately 47.75-acre remnant parcel

Pruitt stated that several items should be changed on the signature page of the certified survey map document related to the name of the municipality and the titles of the document's signatories.

Motion (Geschke, Alby) to recommend approval of the final certified survey map request submitted by the Peterson Family Trust (with Mark Peterson as applicant/agent) for the parcel located at 16835 Spring Street (CTH C) (Parcel ID # 194-03-21-22-007-000) in the A-2 (General Farming and Residential II) Zoning District to allow for the division of this parcel into a 3.53-acre parcel and an approximately 47.75-acre remnant parcel, with no waivers granted and the condition that the applicant make the changes recommended at this meeting by the Village's attorney, MC.

Motion (Funk, Maurice) to accept the Plan Commission's recommendation and to approve the final certified survey map request submitted by the Peterson Family Trust (with Mark Peterson as applicant/agent) for the parcel located at 16835 Spring Street (CTH C) (Parcel ID # 194-03-21-22-007-000) in the A-2 (General Farming and Residential II) Zoning District to allow for the division of this parcel into a 3.53-acre parcel and an approximately 47.75-acre remnant parcel, with no conditions or waivers beyond the recommendation of the Plan Commission, MC.

Site plan 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 a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt

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

Resolution 2021-25 Approving a request for site plan review to continue a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt, at 17108 County Line Road (CTH KR), Sec. 33, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-33-016-010); Pine Haven Enterprises, LLC, Owner; Nick Willkomm, Applicant/Agent

Motion (Alby, Bartlett) to recommend adoption of Resolution 2021-25 as presented, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to adopt Resolution 2021-25 as presented, MC.

Pre-application conference regarding proposed development and use of the parcel located at 2730 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-24-021-001)

Robert Gleason stated that he has identified a potential tenant for this property that specializes in trailer sales. Discussion focused on the current manufacturing zoning of the property and whether a use that would otherwise typically only be allowed in a business zoning district, such as trailer sales, could be allowed in manufacturing zoning districts as a conditional use. The Village Board directed McKinney to investigate this matter further.

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

Preliminary certified survey map request submitted by the James A. & Jolene P. Verwey Revocable Trust (with James Verwey as applicant/agent) for the parcel located at 5104 Crystal Lane (Parcel ID # 194-03-21-35-029-013) in the A-2 (General Farming and Residential II) Zoning District to allow for the division of this parcel into a 6.73-acre parcel and a 3.97-acre parcel

Madsen stated that this certified survey map should include delineation of the wetlands near the western property boundary of the portion of the parcel adjacent to County Line Road (CTH KR).

Joshua Schueller asked where the access will be located for the proposed southern parcel and where the existing utility easement on that proposed parcel will be located if wetlands are discovered near it.

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

Site plan application submitted by Maverick Properties, LLC (with Daniels Sharpsmart, Inc. as applicant/agent) for the parcel located at 14401 58th Road (Parcel ID # 194-03-21-25-008-000) in the M-3 (Heavy Industrial) Zoning District to allow for the use of an existing +/- 13,000-square-foot industrial building for the washing and warehousing of containers associated with a business known as "Daniels Sharpsmart, LLC"

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

Resolution 2021-26 Approving a request for site plan review to utilize an existing +/- 13,000-square-foot industrial building for the washing and warehousing of containers associated with "Daniels Sharpsmart, LLC" at 14401 58th Road, Sec. 25, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-25-008-000); Maverick Properties, LLC, Owner; Daniels Sharpsmart, Inc., Applicant/Agent

Motion (Geschke, Alby) to recommend adoption of Resolution 2021-26 as presented, MC.

Motion (Maurice, Funk) to accept the Plan Commission's recommendation and to adopt Resolution 2021-26 as presented, 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 Yorkville 2000 PTSK, LLC (with Michels Corporation/Michael Kennedy as applicant/agent) for the vacant parcel located immediately to the west of 14215 2 Mile Road (Parcel ID # 194-03-21-01-001-060) in the M-3 (Heavy Industrial) Zoning District to allow for the creation of an approximately 10-acre fenced-in storage yard for construction vehicles and equipment associated with a construction business known as “Michels Corporation”

D. Nelson opened the public hearing at 6:56 p.m.

An unidentified member of the audience asked about the equipment that would be stored on this site. Michael Kennedy stated that equipment stored on this site may include excavators, dump trucks, boring equipment and foundation drills.

With no other comments forthcoming, D. Nelson closed the public hearing at 7:00 p.m.

Conditional use application submitted by Yorkville 2000 PTSK, LLC (with Michels Corporation/Michael Kennedy as applicant/agent) for the vacant parcel located immediately to the west of 14215 2 Mile Road (Parcel ID # 194-03-21-01-001-060) in the M-3 (Heavy Industrial) Zoning District to allow for the creation of an approximately 10-acre fenced-in storage yard for construction vehicles and equipment associated with a construction business known as “Michels Corporation”

Madsen stated that limited detail was included on the plans for this project related to stormwater, erosion control and site grading, noting that the existing pond on the site was only designed for stormwater quantity rather than for both quantity and quality. He added that he also has concerns about the weight of vehicles accessing this site via 2 Mile Road. Kennedy stated that these plans should be completed in the next few weeks. S. Nelson recommended that a condition of approval be included that requires the repair of any drain tiles damaged by this project. Kennedy stated that the site will be surrounded by a cyclone fence and will not be used to store salvage vehicles. He added that the parking lot will be gravel.

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

Resolution 2021-27 Approving a request for a conditional use permit to create an approximately 10-acre fenced-in storage yard for construction vehicles and equipment associated with a construction business known as “Michels Corporation” for the vacant parcel located immediately to the west of 14215 2 Mile Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-01-001-060); Yorkville 2000 PTSK, LLC, Owner; Michels Corporation/Michael Kennedy, Applicant/Agent

Motion (Alby, DeGarmo) to recommend adoption of Resolution 2021-27 as amended, with the following added conditions:

25. Drain Tile. Farm field drain tiles may exist on this parcel or any subdivision thereof. If said tiles are damaged or disturbed on this parcel or any subdivision thereof, said tiles must be repaired and/or rerouted by the property owner per State Statutes. The applicant shall notify the Village immediately if any drain tile is found on this property

26. Plans Required. The applicant shall submit a complete site grading plan, erosion control plan and stormwater management plan meeting Village requirements for review and approval by the Village Engineer at the applicant's expense, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to adopt Resolution 2021-27 as amended, MC.

Resolution 2021-28 Authorizing the release of a Highway Setback Restriction affecting the vacant parcel located immediately to the south of 2638 North Sylvania Avenue, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-01-002-001); 2626 Sylvania, LLC, Owner

Pruitt stated that the highway setback restriction assigned to this parcel by the Wisconsin Department of Transportation on the most recent certified survey map approved for this parcel is no longer legal and should be eliminated.

Motion (S. Nelson, Bartlett) to adopt Resolution 2021-28 as presented, MC.

Ordinance 2021-07 Repealing and Recreating Section 38-111 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to Driveways and Culverts

McKinney stated that the only change in this ordinance is the elimination of the reference to animal guard requirements.

Motion (S. Nelson, Funk) to adopt Ordinance 2021-07 as presented, MC.

Conditional use permit amendment request submitted by the Village of Yorkville (with Michael McKinney as applicant/agent) for the properties located at 1925 Grandview Parkway, 2000 Grandview Parkway, and the vacant parcel to the north of 1906 Grandview Parkway (Parcel ID #'s 194-03-21-24-001-300, 194-03-21-24-001-030 and 194-03-21-13-029-017) in the M-3 (Heavy Industrial) Zoning District to eliminate Condition # 28 of the conditional use permit approved for these properties by the Yorkville Village Board on May 11, 2020

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

Resolution 2021-29 Approving a request for a conditional use permit amendment to eliminate Condition # 28 of the conditional use permit approved by the Yorkville Village Board on May 11, 2020 for the properties located at 1925 Grandview Parkway, 2000 Grandview Parkway, and the vacant parcel to the north of 1906 Grandview Parkway, Sec. 13 and Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-24-001-300, 194-03-21-24-001-030 and 194-03-21-13-029-017); Village of Yorkville, Applicant; Michael McKinney, Agent

Motion (Geschke, Alby) to recommend adoption of Resolution 2021-29 as presented, MC.

Motion (Bartlett, S. Nelson) to accept the Plan Commission's recommendation and to adopt Resolution 2021-29 as presented, MC.

53rd Drive/50th Road intersection signage/safety

Discussion focused on a recent accident at this intersection as well as the steps that could be taken to improve safety there.

Motion (S. Nelson, Funk) to initiate the process of changing the 53rd Drive/50th Road intersection from a two-way traffic stop intersection to a four-way traffic stop intersection, MC.

Village newsletter publication services

McKinney stated that he was contacted by a firm that prints and mails newsletters for municipalities, adding that this firm expressed interest in taking over printing and mailing of the Village's newsletter. He noted that this firm would investigate whether they could generate enough advertising revenue to justify printing the Village's newsletter at no cost to the Village. The Village Board directed McKinney to investigate this opportunity further.

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

2021-2022 annual Operator License applications submitted by the following:

- Nicola Chernouski
- Daniel Gruhn
- Lisa Mueller

Motion (Maurice, Bartlett) to grant all listed 2021-2022 annual Operator Licenses as presented, with no conditions, MC.

Reports

Engineer's Report: Madsen stated that he was contacted regarding a potential development of two vacant parcels immediately to the west of 19411 Washington Avenue (STH 20).

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

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

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. S. Nelson requested that the Village's second roadside mowing operation of the year be started soon.

Village President's Report: D. Nelson stated that he had no information to report to the Village Board.

Administrator/Clerk's Report: McKinney stated that ownership of the recreational vehicle dealership located at 390 South Sylvania Avenue (West Frontage Road) will change in late August.

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: 2021 55th Drive paving and drainage program project, and the possible retention of special counsel related to the 2021 55th Drive paving and drainage program project

Motion (S. Nelson, Bartlett) to enter into closed session at 7:42 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(e)* and (g)** to discuss the 2021 55th Drive paving and drainage program project, and the possible retention of special counsel related to the 2021 55th Drive paving and drainage program project, with legal counsel. Roll Call - Funk, Yes; Maurice, Yes; D. Nelson, Yes; S. Nelson, Yes; Bartlett, Yes. Motion Carried.

The Village Board met in closed session to discuss the 2021 55th Drive paving and drainage program project, and the possible retention of special counsel related to the 2021 55th Drive paving and drainage program project, with legal counsel.

Motion (S. Nelson, Maurice) to return to open session at 7:56 p.m., MC.

2021 55th Drive paving and drainage program project, and the possible retention of special counsel related to the 2021 55th Drive paving and drainage program project

Motion (Funk, Bartlett) to approve the Municipal Law & Litigation Group legal services engagement letter as presented, MC.

Adjournment

Motion (S. Nelson, Maurice) to adjourn, MC. The meeting was adjourned at 7:59 p.m. The next scheduled Village Board meeting is Monday, August 23, 2021, at 6:00 p.m.

Michael McKinney
Administrator/Clerk

* Wisconsin Statutes Section 19.85(1)(e) - Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.

** Wisconsin Statutes Section 19.85(1)(g) - Conferring 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.