

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, NOVEMBER 8, 2021

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:06 p.m.

Roll Call

The following Village Board members were present: Douglas Nelson, Daniel Maurice, Steve Nelson and Cory Bartlett. Robert Funk was absent. The following Plan Commission members were present: Douglas Nelson, Cory Bartlett, Barbara Geschke, Aaron Alby and Timothy DeGarmo. Also present were Brian Lilly representing Arch Stanton, Stacey Piper-Milkie, Matthew Milkie, Peter Petersen, Alan Jaspersen, George Kusak, Joseph Bergs, Jo Ann Halladay, James Svehla, Racine County Economic Development Corporation Deputy Director Laura Million, Attorney Tim Pruitt, Administrator/Clerk Michael McKinney and approximately five unidentified attendees.

Approval of Minutes

Motion (S. Nelson, Bartlett) to approve the October 11, 2021 joint Village Board/Plan Commission and October 25, 2021 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Village Invoices

Motion (S. Nelson, Bartlett) to approve payment of Village invoices as presented in the amount of \$69,005.52, MC.

Approval of Stormwater Invoices

Motion (S. Nelson, Maurice) to approve payment of Stormwater invoices as presented in the amount of \$1,394.00, MC.

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 rezoning application submitted by Arch Stanton LLC (with Brian Lilly as

applicant/agent) for the parcel located at 2025 51st Drive (Parcel ID # 194-03-21-24-005-000) in the A-2 (General Farming and Residential II) Zoning District to rezone the easternmost ±40.0 acres of this parcel from the A-2 (General Farming and Residential II) Zoning District to the M-3 (Heavy Industrial) Zoning District

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

George Kusak, 1725 51st Drive, spoke in opposition to this proposal, citing concerns regarding the local impacts of the proposed rezoning and use of this property, including traffic, noise, light and visibility.

Joseph Bergs, 613 51st Drive, requested clarification on this proposal related to the classification of this parcel in the Village's comprehensive plan as well as access to 51st Drive.

Jo Ann Halladay, 1904 51st Drive, spoke in opposition to this proposal, citing concerns regarding the local impacts of the proposed rezoning and use of this property, including traffic, noise, light and visibility.

James Svehla, 1601 51st Drive, spoke in opposition to this proposal, citing concerns regarding the local impacts of the proposed rezoning and use of this property, including traffic, noise, light and visibility.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:16 p.m.

Rezoning application submitted by Arch Stanton LLC (with Brian Lilly as applicant/agent) for the parcel located at 2025 51st Drive (Parcel ID # 194-03-21-24-005-000) in the A-2 (General Farming and Residential II) Zoning District to rezone the easternmost ±40.0 acres of this parcel from the A-2 (General Farming and Residential II) Zoning District to the M-3 (Heavy Industrial) Zoning District

Discussion focused on the timing of this request, the lack of detail regarding the potential use(s) of the property and the concerns expressed by residents during the preceding public hearing.

Motion (Geschke, Bartlett) to recommend tabling this agenda item until such time as the following conditions are met:

- ***That a site plan is provided to the Village by the applicant detailing the proposed use(s) of the easternmost ±40.0 acres of this parcel in a form reasonably satisfactory to the Village***
- ***That deed restriction language defining the proposed use(s) of the easternmost ±40.0 acres of this parcel is provided to the Village by the applicant in a form reasonably satisfactory to the Village, MC.***

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to table this agenda item with the conditions recommended by the Plan Commission, MC.

Plan Commission Resolution 2021-04 Recommending approval of an ordinance amending the Racine County Code of Ordinances as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville relating to the rezoning of ±40.0 acres of land from the A-2 (General Farming and Residential II) Zoning District to the M-3 (Heavy Industrial) Zoning District, NE¼ of NW¼ of Sec. 24, T3N, R21E, for the parcel located at 2025 51st Drive (Parcel ID # 194-03-21-24-005-000); Arch Stanton LLC, Owner; Brian Lilly, Applicant

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

Ordinance 2021-11 Amending the Racine County Code of Ordinances as adopted by the Village of Yorkville under Section 55-1(a) of the Code of Ordinances of the Village of Yorkville relating to the rezoning of ±40.0 acres of land from the A-2 (General Farming and Residential II) Zoning District to the M-3 (Heavy Industrial) Zoning District, NE¼ of NW¼ of Sec. 24, T3N, R21E, for the parcel located at 2025 51st Drive (Parcel ID # 194-03-21-24-005-000); Arch Stanton LLC, Owner; Brian Lilly, Applicant

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

Notice of violation enforcement postponement request submitted by Stacey Piper-Milkie for the parcel located at 14601 Braun Road (Parcel ID # 194-03-21-36-004-000) in the A-2 (General Farming and Residential II) Zoning District to allow for the continuation of an existing unpermitted business operating as “E&R Manufacturing Co.” for a period of 180 days

Discussion focused on the timing of when this business was established as well as the business operator’s planned sale of the business. Pruitt stated that non-conforming uses will eventually expire when discontinued for a set time frame.

Motion (Alby, DeGarmo) to recommend approval of the notice of violation enforcement postponement request submitted by Stacey Piper-Milkie for the parcel located at 14601 Braun Road (Parcel ID # 194-03-21-36-004-000) in the A-2 (General Farming and Residential II) Zoning District to allow for the continuation of an existing unpermitted business operating as “E&R Manufacturing Co.” for a period of 365 days, MC.

Motion (Maurice, S. Nelson) to accept the Plan Commission’s recommendation and to approve the notice of violation enforcement postponement request submitted by Stacey Piper-Milkie for the parcel located at 14601 Braun Road (Parcel ID # 194-03-21-36-004-000) in the A-2 (General Farming and Residential II) Zoning District to allow for the continuation of an existing unpermitted business operating as “E&R Manufacturing Co.” for a period of 365 days, MC.

Proposed parameters for a Yorkville Meadows Court/Washington Avenue (STH 20) intersection agreement/Irrevocable Standby Letter of Credit No. 910009945, as amended, to secure obligations related to implementation of the Yorkville Meadows subdivision development agreement/Yorkville Meadows subdivision development agreement

McKinney stated that he participated in a meeting on October 13 to discuss the status of the Yorkville Meadows Court/Washington Avenue (STH 20) intersection, and to try to resolve the

ongoing dispute regarding the layout of this intersection and the timeline for constructing it to Wisconsin Department of Transportation (DOT) standards. He added that the Village's attorney put together a rough framework that outlines proposed parameters for a Yorkville Meadows Court/Washington Avenue (STH 20) intersection agreement. Alan Jaspersen made a request to delay implementation of DOT's required intersection improvements so that the trigger for the improvements are four home building permits issued rather than four lots sold to eliminate the possibility of overbuilding an intersection that would only accommodate one or two households.

Motion (Bartlett, Maurice) to approve the proposed parameters for a Yorkville Meadows Court/Washington Avenue (STH 20) intersection agreement, including amendments recommended by the Wisconsin Department of Transportation, MC.

Utility right-of-way work and drain tile damages

McKinney stated that the Village is not currently able to recoup the costs incurred to repair damaged drain tile in the Village's right-of-way if that damage appears to be due to the action of a third party, such as a utility company installing utility infrastructure. He added that the Village's attorney recommended that the Village look at creating an ordinance that regulates such activity to reduce the likelihood of future drain tile damages. The Village Board directed the Village's attorney and Administrator/Clerk to begin drafting an ordinance that regulates activity in the Village's right-of-way for initial consideration and review in January by the Village's Long-Range Planning/Ordinance Committee.

Motion (S. Nelson, Bartlett) to authorize Mutter Excavating to repair the damaged drain tile on Leetsbir Road, MC.

Wisconsin Department of Transportation 2022-2023 Local Road Improvement Program/Municipal Street Improvement Program funding

McKinney stated that the Village has \$22,837.87 in matching funds available from the Wisconsin Department of Transportation for an eligible highway project, adding that the funds could be used for any project that is completely closed out by June 30, 2027. He recommended that the Village Board apply the funds towards a project they are willing to commit to completing by 2026.

Motion (Maurice, S. Nelson) to authorize the Village's engineer to create a project cost estimate for the repaving of 58th Road between 59th Drive and 51st Drive for a funding application to submit to the Wisconsin Department of Transportation 2022-2023 Local Road Improvement Program/Municipal Street Improvement Program, MC.

Engineer's Report - report on activities and issues

The Engineer was not present to provide a report to the Village Board.

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

Resolution 2021-40 Approving the 2022 Racine County zoning-related Professional Services Agreement and zoning fee schedule

McKinney stated that the contractual obligation to Racine County for zoning services would remain \$40,000.00 in 2022.

Motion (S. Nelson, Bartlett) to adopt Resolution 2021-40 as presented, MC.

2021-2022 liability insurance

McKinney stated that the Village's current insurance provider can only increase the dollar amount of the insurance coverage rather than the scope of what can be covered, adding that this change would need to be made to all coverages the Village has with the current provider. He noted that other insurance providers would only look at providing insurance as part of a comprehensive insurance package that would replace our existing insurance coverage. The Village Board directed McKinney to proceed with a request for proposals for property, liability and workers compensation insurance coverage before the Village's existing insurance coverage expires.

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

Command Central 2022 election hardware maintenance agreement

Motion (Bartlett, S. Nelson) to approve the 2022 election hardware maintenance agreement submitted by Command Central as presented in the amount of \$410.00, MC.

Community State Bank non-interest-bearing checking account setup

McKinney stated that the Village is required to set up a non-interest-bearing checking account prior to receiving any Clean Water Fund loan funds.

Motion (S. Nelson, Maurice) to set up a non-interest-bearing checking account with Community State Bank for receiving incoming Clean Water Fund loan funds, MC.

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

- Noemi Faz
- Jorene Fogg-Simmons
- Kianna McEwen
- Connie Wheeler

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

Reports

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.

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

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

- That road repairs related to the 55th Drive paving and drainage program project have not been completed
- That the public hearing for the 2022 budget will be held on November 22
- That the Racine County Development Services Department followed up on a complaint regarding activity taking place on the parcel located at 16615 Washington Avenue (STH 20)
- That the Village received \$500.00 in parks and recreation grant funds from League of Wisconsin Municipalities Mutual Insurance

Public Comments, Questions and Suggestions

Brian Lilly and James Svehla addressed the Village Board regarding the rezoning application tabled earlier this evening for the parcel located at 2025 51st Drive.

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

Closed Session: Proposed parameters for a Yorkville Meadows Court/Washington Avenue (STH 20) intersection agreement/Irrevocable Standby Letter of Credit No. 910009945, as amended, to secure obligations related to implementation of the Yorkville Meadows subdivision development agreement/Yorkville Meadows subdivision development agreement

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

Proposed parameters for a Yorkville Meadows Court/Washington Avenue (STH 20) intersection agreement/Irrevocable Standby Letter of Credit No. 910009945, as amended, to secure obligations related to implementation of the Yorkville Meadows subdivision development agreement/Yorkville Meadows subdivision development agreement

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

Adjournment

Motion (Maurice, Bartlett) to adjourn, MC. The meeting was adjourned at 7:49 p.m. The next scheduled Village Board meeting is Monday, November 22, 2021, at 6:00 p.m.

Michael McKinney
Administrator/Clerk