

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, DECEMBER 13, 2021

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:03 p.m.

Roll Call

The following Village Board members were present: Douglas Nelson, Robert Funk, Daniel Maurice and Steve Nelson. Cory Bartlett was absent. The following Plan Commission members were present: Douglas Nelson, Aaron Alby and Timothy DeGarmo. Cory Bartlett and Barbara Geschke were absent. Also present were Raymond Leffler representing TNG 27, LLC, Natalie Arno representing West Logistics, LLC/Brown Integrated Logistics, Inc., Lynn Baumgartner, Craig Hofmann representing Aviation Hangar Door Services, LLC, Don Menhorn, Howard Wohlgefahr, and Travis Knautz representing Stericycle, Inc., Dragan Radeta representing 2626 Sylvania, LLC, Andrew Baer and Andrew Hagen representing Storage Authority, Brian Depies representing Short Elliott Hendrickson, Village of Raymond zoning administrator Timothy Barbeau, Racine County Economic Development Corporation Business Recruitment Specialist Jordan Brown, Attorney Tim Pruitt, Administrator/Clerk Michael McKinney and two unidentified attendees.

Approval of Minutes

Motion (Funk, S. Nelson) to approve the November 22, 2021 Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

Motion (Maurice, Funk) to approve the November 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 \$119,246.30, 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:

Rezoning extension request submitted by Diversified Land Developers, LLC (with TNG 27, LLC/Raymond Leffler/Nancy Washburn as applicant/agent) for three vacant parcels on 50th Road (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010) in the A-2 (General Farming and Residential II) Zoning District to allow for the rezoning of these parcels from the A-2 (General Farming and Residential II) Zoning District for the rezoning Ordinance 2021-02 previously approved on March 8, 2021

Raymond Leffler provided an update on the subdivision documents that have not been completed, including the conservation easement, stormwater plan and restrictive covenants. He added that he is also working on the transfer of a portion of an adjacent property to the subdivision.

Motion (Alby, DeGarmo) to recommend the approval of the rezoning extension request submitted by Diversified Land Developers, LLC (with TNG 27, LLC/Raymond Leffler/Nancy Washburn as applicant/agent) for three vacant parcels on 50th Road (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010) in the A-2 (General Farming and Residential II) Zoning District to allow for the rezoning of these parcels from the A-2 (General Farming and Residential II) Zoning District for the rezoning Ordinance 2021-02 previously approved on March 8, 2021, through June 30, 2022, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to approve the rezoning extension request submitted by Diversified Land Developers, LLC (with TNG 27, LLC/Raymond Leffler/Nancy Washburn as applicant/agent) for three vacant parcels on 50th Road (Parcel ID #'s 194-03-21-01-006-040, 194-03-21-01-006-030 and 194-03-21-01-006-010) in the A-2 (General Farming and Residential II) Zoning District to allow for the rezoning of these parcels from the A-2 (General Farming and Residential II) Zoning District for the rezoning Ordinance 2021-02 previously approved on March 8, 2021, through June 30, 2022, MC.

Site plan application submitted by NLP Grandview II, LLC/Stockbridge Capital Group (with West Logistics, LLC/Brown Integrated Logistics, Inc. as applicant/agent) for the parcel located at 1800 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-24-001-035) in the M-3 (Heavy Industrial) Zoning District to occupy ±122,730 square feet of an existing industrial building with a warehousing business known as "Brown West Logistics, LLC"

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

Resolution 2021-43 Approving a request for site plan review to occupy ±122,730 square feet of an existing industrial building with a warehousing business known as "Brown West Logistics, LLC" at 1800 South Sylvania Avenue (West Frontage Road), Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-001-035); NLP Grandview II, LLC/Stockbridge Capital Group, Owner; West Logistics, LLC/Brown Integrated Logistics, Inc., Applicant/Agent

Motion (Alby, DeGarmo) to recommend the adoption of Resolution 2021-43 as presented, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to adopt Resolution 2021-43 as presented, MC.

Yorkville Meadows Subdivision Development Agreement Amendment

Discussion focused on the proposed development agreement amendment, including a change recommended by the Wisconsin Department of Transportation, as well as concerns of the subdivision developer related to the proposed amendment. Discussion also focused on a request by the subdivision developer to delay the start of construction of the Yorkville Meadows Court/Washington Avenue (STH 20) intersection until after the completion of the regular elementary and high school academic year.

Motion (DeGarmo, Alby) to recommend the approval of the Yorkville Meadows subdivision development agreement amendment, with the inclusion of the following changes to the amendment:

- ***A change recommended by the Wisconsin Department of Transportation relating to the intersection completion timeline (in red): “Intersection Completion. Subdivider shall complete construction of the Intersection within such time as is required by the conditions of the DOT permit. ~~within 90 days of the commencement of construction, or prior to the end of the construction season, whichever deadline is sooner, unless such deadline is extended by the Parties.~~”***
- ***The addition of the following language at the request of the subdivision developer relating to the timing of the construction of the Yorkville Meadows Court/Washington Avenue (STH 20) intersection: “Subdivider may delay the start of construction of the Intersection until after the completion of the regular elementary and high school academic year, but shall begin construction of the Intersection upon the conclusion of the school year as soon as weather conditions reasonably allow.”, MC.***

Motion (Funk, S. Nelson) to accept the Plan Commission's recommendation and to approve the Yorkville Meadows subdivision development agreement amendment as amended, MC.

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a rezoning and conditional use application submitted by George and Joan Ciconia (with Lynn Baumgartner/Craig Hofmann/Aviation Hangar Door Services, LLC as applicant/agent) for the parcel located at 13822 56th Road (Parcel ID # 194-03-21-24-014-000) in the M-1 (Light Industrial and Office), M-2 (General Industrial) and M-3 (Heavy Industrial) Zoning Districts to rezone this parcel from the M-1 (Light Industrial and Office), M-2 (General Industrial) and M-3 (Heavy Industrial) Zoning Districts to the M-3 (Heavy Industrial) Zoning District, and to occupy the existing industrial building on this parcel with an aircraft hangar door manufacturing business known as “Aviation Hangar Door Services, LLC”

D. Nelson opened the public hearing at 6:17 p.m.

Lynn Baumgartner and Craig Hofmann addressed the Village Board and Plan Commission regarding these requests.

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

Rezoning and conditional use application submitted by George and Joan Cicona (with Lynn Baumgartner/Craig Hofmann/Aviation Hangar Door Services, LLC as applicant/agent) for the parcel located at 13822 56th Road (Parcel ID # 194-03-21-24-014-000) in the M-1 (Light Industrial and Office), M-2 (General Industrial) and M-3 (Heavy Industrial) Zoning Districts to rezone this parcel from the M-1 (Light Industrial and Office), M-2 (General Industrial) and M-3 (Heavy Industrial) Zoning Districts to the M-3 (Heavy Industrial) Zoning District, and to occupy the existing industrial building on this parcel with an aircraft hangar door manufacturing business known as “Aviation Hangar Door Services, LLC”

Craig Hofmann stated that this business has four employees, adding that the business focuses on aircraft hangar door repair and maintenance but plans to expand into aircraft hangar door manufacturing. He noted that he does not plan for any outdoor storage at this time.

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

Plan Commission Resolution 2021-05 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 ±8.15 acres of land from the M-1 (Light Industrial and Office), M-2 (General Industrial) and M-3 (Heavy Industrial) Zoning Districts to the M-3 (Heavy Industrial) Zoning District, NE¼ of SE¼ of Sec. 24, T3N, R21E, for the parcel located at 13822 56th Road (Parcel ID # 194-03-21-24-014-000), to accommodate the occupancy of the existing industrial building on this parcel with an aircraft hangar door manufacturing business known as “Aviation Hangar Door Services, LLC”; George and Joan Cicona, Owner; Lynn Baumgartner/Craig Hofmann/Aviation Hangar Door Services, LLC, Applicant

Motion (Alby, DeGarmo) to adopt Plan Commission Resolution 2021-05 as presented, MC.

Ordinance 2021-12 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 ±8.15 acres of land from the M-1 (Light Industrial and Office), M-2 (General Industrial) and M-3 (Heavy Industrial) Zoning Districts to the M-3 (Heavy Industrial) Zoning District, NE¼ of SE¼ of Sec. 24, T3N, R21E, for the parcel located at 13822 56th Road (Parcel ID # 194-03-21-24-014-000), to accommodate the occupancy of the existing industrial building on this parcel with an aircraft hangar door manufacturing business known as “Aviation Hangar Door Services, LLC”; George and Joan Cicona, Owner; Lynn Baumgartner/Craig Hofmann/Aviation Hangar Door Services, LLC, Applicant

Motion (S. Nelson, Maurice) to adopt Ordinance 2021-12 as presented, MC.

Resolution 2021-44 Approving a request for a conditional use permit to occupy the existing industrial building on this parcel with an aircraft hangar door manufacturing business known as “Aviation Hangar Door Services, LLC” at 13822 56th Road, Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-014-000); George and Joan Cicon, Owner; Lynn Baumgartner/Craig Hofmann/Aviation Hangar Door Services, LLC as Applicant/Agent

Motion (Alby, DeGarmo) to recommend the adoption of Resolution 2021-44 as presented, MC.

Motion (Funk, S. Nelson) to accept the Plan Commission’s recommendation and to adopt Resolution 2021-44 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 Darnell Family LTD Partnership (with Stericycle, Inc. as applicant/agent) for conditional use approval for the parcel located at 14114 Leetsbir Road (Parcel ID # 194-03-21-24-002-008) in the M-3 (Heavy Industrial) Zoning District to occupy an existing 18,146-square-foot industrial building with a medical waste sterilization facility associated with a business known as “Stericycle, Inc.”

D. Nelson opened the public hearing at 6:26 p.m.

Don Menhorn addressed the Village Board and Plan Commission regarding this request.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:28 p.m.

Conditional use application submitted by Darnell Family LTD Partnership (with Stericycle, Inc. as applicant/agent) for conditional use approval for the parcel located at 14114 Leetsbir Road (Parcel ID # 194-03-21-24-002-008) in the M-3 (Heavy Industrial) Zoning District to occupy an existing 18,146-square-foot industrial building with a medical waste sterilization facility associated with a business known as “Stericycle, Inc.”

Discussion focused on the current well testing requirements for Stericycle’s existing facility, located at 14035 Leetsbir Road, and whether an additional well should be tested given Stericycle’s proposed occupancy of 14114 Leetsbir Road in addition to the existing facility. Menhorn stated that the proposed facility at 14114 Leetsbir Road would be a standalone facility.

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

Resolution 2021-45 Approving a request for a conditional use permit to occupy an existing 18,146-square-foot industrial building with a medical waste sterilization facility associated with a business known as “Stericycle, Inc.,” at 14114 Leetsbir Road, Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-002-008); Darnell Family LTD Partnership, Owner; Stericycle, Inc., Applicant/Agent

Motion (Alby, DeGarmo) to recommend the adoption of Resolution 2021-45, including the addition of Condition #24 to Exhibit A of this resolution to read the following: “24.

Well Testing. Applicant shall continue its current well testing and monitoring program as initially required by the Yorkville Town Board on September 16, 1993; this testing and monitoring program shall be required as long as the Applicant's operations continue at the property located at 14035 Leetsbir Road or that located at 14114 Leetsbir Road. No additional well testing sites are required at this time.", MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to adopt Resolution 2021-45 as amended, MC.

Public Hearing - The Village Board held a public hearing to hear public comment on an application submitted by Stericycle, Inc. for a Solid Waste Disposal, Storage or Treatment Permit through June 30, 2022 to operate a regulated medical waste treatment facility utilizing Electro-Thermal Deactivation (shredding and thermal inactivation by use of low frequency radio waves) technology at 14114 Leetsbir Road (Parcel ID # 194-03-21-24-002-008) in the M-3 (Heavy Industrial) Zoning District

D. Nelson opened the public hearing at 6:38 p.m.

With no comments forthcoming, D. Nelson closed the public hearing at 6:39 p.m.

Application submitted by Stericycle, Inc., 14114 Leetsbir Road, for a Solid Waste Disposal, Storage or Treatment Permit through June 30, 2022

Motion (Maurice, S. Nelson) to grant a Solid Waste Disposal, Storage or Treatment Permit through June 30, 2022, to Stericycle, Inc., 14114 Leetsbir Road, with no conditions, MC.

Pre-application conference regarding proposed development and use of the parcel located at 2626 49th Drive (Parcel ID # 194-03-21-01-002-000)

Dragan Radeta stated that he would like to purchase a portion of the parcel located at 2626 49th Drive and either keep it as a standalone parcel or combine it with the parcel located at 2626 North Sylvania Avenue (West Frontage Road). Discussion focused on long-range plans and potential uses of the parcel, road frontage requirements in the zoning code for either parcel resulting from the division of the parent parcel at 2626 49th Drive, Wisconsin Department of Transportation access restrictions for this parcel, and stormwater requirements and landscaping plans for either portion of the 2626 49th Drive parcel.

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

Public Hearing - The Village Board and Plan Commission held a joint public hearing to hear public comment on a conditional use application submitted by Top Flight, LLC (with Storage Authority, LLC/Brian Depies/Short Elliott Hendrickson as applicant/agent) for the two vacant parcels located immediately to the west of 19411 Washington Avenue (STH 20) (Parcel ID #'s 194-03-21-07-001-022 and 194-03-21-07-001-023) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts to construct a nine-building self-service storage facility

D. Nelson opened the public hearing at 7:04 p.m.

Brian Depies addressed the Village Board and Plan Commission regarding this request, noting that this proposed development would be an extension of two existing operations in Yorkville, which both have very high occupancy rates. He stated that these parcels could eventually accommodate a total of nine larger buildings, each divided into larger units with overhead doors on both ends to accommodate larger vehicles. He noted that he is currently working with the Wisconsin Department of Transportation on access-related issues, adding that this development would be managed from the Spring Street (CTH C) facility in Yorkville.

With no other comments forthcoming, D. Nelson closed the public hearing at 7:07 p.m.

Conditional use application submitted by Top Flight, LLC (with Storage Authority, LLC/Brian Depies/Short Elliott Hendrickson as applicant/agent) for the two vacant parcels located immediately to the west of 19411 Washington Avenue (STH 20) (Parcel ID #'s 194-03-21-07-001-022 and 194-03-21-07-001-023) in the A-2 (General Farming and Residential II) and B-3 (Commercial Service) Zoning Districts to construct a nine-building self-service storage facility

Depies stated that one proposed building would be located on the lot line separating these two parcels, adding that this building would be part of the second phase of this development. He noted that work on this project is slated to begin in late 2022. The Village Board and Plan Commission discussed concerns related to property lighting and landscaping. Andrew Baer stated that the lighting for this development would be mounted on the storage buildings.

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

Resolution 2021-46 Approving a request for a conditional use permit to construct a nine-building self-service storage facility on the two vacant parcels located immediately to the west of 19411 Washington Avenue (STH 20), Sec. 07, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-07-001-022 and 194-03-21-07-001-023); Top Flight, LLC, Owner; Storage Authority, LLC/Brian Depies/Short Elliott Hendrickson, Applicant/Agent

Motion (Alby, DeGarmo) to recommend the adoption of Resolution 2021-46, including the addition of Condition #28 to Exhibit A of this resolution to read the following: “28. Landscaping. Applicant shall submit a landscaping plan to the Village for Plan Commission and Village Board review and approval showing trees and other landscaping features of sufficient height to screen the visibility of this site from Washington Avenue (STH 20) and neighboring residential properties.”, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission’s recommendation and to adopt Resolution 2021-46 as amended, MC.

Ordinance 2021-13 Repealing Chapter 2 Article IV Division 2 of the Code of Ordinances for the Village of Yorkville relating to the Health Department, Repealing Chapter 6 Article III Division 2 relating to Rabies Control, and Providing for the deletion and/or substitution

of references to “Village Health Officer” and “Health Department” as they appear in the Code

McKinney stated that the purpose of this ordinance is to change language within the Village’s ordinances to make them correspond to Racine County’s ordinance language related to the same subject matter, adding that adoption of this ordinance completes the Village’s upcoming transition from the Central Racine County Health Department to the Racine County Health Department, which becomes effective January 1, 2022.

Motion (S. Nelson, Maurice) to adopt Ordinance 2021-13 as presented, MC.

Sprint short-term water tower cellular equipment lease extension

McKinney stated that, at their meeting on November 16, the Sewer and Water Commission extended the Sprint short-term water tower cellular equipment lease through May 31, 2022, to give Sprint/T-Mobile and the Village ample time to negotiate a new agreement.

Motion (S. Nelson, Funk) to authorize an extension of the Sprint short-term water tower cellular equipment lease through May 31, 2022, MC.

Five Bugles Design fire station architectural/engineering services proposal

McKinney stated that the primary purpose of this proposal is for a study planning for the future space needs of the Union Grove-Yorkville Fire Department. He added that the Union Grove-Yorkville Fire Commission approved this proposal at their meeting on December 8.

Motion (S. Nelson, Maurice) to do the following:

- ***Approve the Five Bugles Design fire station architectural/engineering services proposal as presented and as approved by the Union Grove-Yorkville Fire Commission on December 8***
- ***Commit to reimbursing the Village of Union Grove for the 62.81% share of the total \$12,446.00 study cost, totaling \$7,817.33***
- ***Reimburse the Village of Union Grove for Yorkville’s portion of the study cost in 2023, MC.***

Staab Construction Corporation pay request #5 for the 2021 wastewater treatment facility improvement project

McKinney stated that Short Elliott Hendrickson recommended payment of this request.

Motion (S. Nelson, Funk) to approve payment of Pay Request #5 submitted by Staab Construction Corporation in the amount of \$980,038.05 for the 2021 Wastewater Treatment Facility Improvement project, MC.

2021 City of Racine Belle Urban System bus service agreement

McKinney stated that the Village’s cost for this agreement is the same as the \$7,500.00 cost in place in the 2020 agreement.

Motion (S. Nelson, Maurice) to approve the 2021 City of Racine Belle Urban System bus service agreement as presented, MC.

2022 City of Racine Belle Urban System bus service agreement

McKinney stated that the Village's cost for this agreement is the same as the \$7,500.00 cost in place in the 2020 agreement.

Motion (Maurice, S. Nelson) to approve the 2022 City of Racine Belle Urban System bus service agreement as presented, MC.

Waste and recycling collection site snow and ice removal services proposal

McKinney stated that Custom Views, LLC proposes an increase for snow removal (per clearing) from \$150.00 to \$200.00 (a 33% increase) and an increase in salting (per application) from \$80.00 to \$100.00 (a 25% increase).

Motion (Funk, S. Nelson) to approve the waste and recycling collection site snow and ice removal services proposal submitted by Custom Views LLC as presented, MC.

Reports

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

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

Engineer's Report: The Engineer 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.

Union Grove/Yorkville Fire Commission Report: S. Nelson 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 stated that the January 10 joint Village Board/Plan Commission meeting agenda may include a conditional use permit request for 18917 Spring Street (CTH C).

Public Comments, Questions and Suggestions

Natalie Arno addressed the Village Board regarding the site plan application approved earlier this evening for the parcel located at 1800 South Sylvania Avenue (West Frontage Road).

Village of Raymond zoning administrator Timothy Barbeau addressed the Village Board regarding Yorkville's current procedure for processing and acting on zoning-related requests.

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

Closed Session: 14510 Washington Avenue (STH 20) property maintenance

Motion (S. Nelson, Maurice) to enter into closed session at 7:46 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(g)* to discuss 14510 Washington Avenue (STH 20) property maintenance. Roll Call - Funk, Yes; Maurice, Yes; D. Nelson, Yes; S. Nelson, Yes. Motion Carried.

The Village Board met in closed session to discuss 14510 Washington Avenue (STH 20) property maintenance.

Motion (S. Nelson, Maurice) to return to open session at 8:03 p.m., MC.

14510 Washington Avenue (STH 20) property maintenance

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

Closed Session: Settlement strategies related to Village claims against certain opioid manufacturers and distributors as set forth in Racine County Circuit Court Case No. 2021-CV-001001

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

Settlement strategies related to Village claims against certain opioid manufacturers and distributors as set forth in Racine County Circuit Court Case No. 2021-CV-001001

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

Resolution 2021-47 Authorizing the Village of Yorkville to enter into the Settlement Agreements with McKesson Corporation, Cardinal Health, Inc., AmerisourceBergen Corporation, Johnson & Johnson, Janssen Pharmaceuticals, Inc., Ortho-McNeil-Janssen Pharmaceuticals, Inc., and Janssen Pharmaceutica, Inc., agree to the terms of the MOU allocating settlement proceeds, and authorize entry into the MOU with the Attorney General

Motion (S. Nelson, Funk) to adopt Resolution 2021-47 as presented, MC.

Adjournment

Motion (S. Nelson, Funk) to adjourn, MC. The meeting was adjourned at 8:10 p.m. The next scheduled Village Board meeting is Monday, December 27, 2021, at 6:00 p.m.

Michael McKinney
Administrator/Clerk