

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, FEBRUARY 14, 2022

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:22 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 David Flannery, Vicki Flannery, Elyse Flannery, and Riley Flannery representing Flannery Land Holdings, Nancy Washburn representing TNG 27, LLC, Attorney Tim Pruitt, Engineer Mark Madsen and Administrator/Clerk Michael McKinney.

Approval of Minutes

Motion (Maurice, S. Nelson) to approve the January 24, 2022 Village Board and February 7, 2022 joint Village Board/Sewer and Water Commission meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

Motion (Funk, Bartlett) to approve the January 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 \$77,698.76, 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:

Site plan review application submitted by Flannery Land Holdings, LLC (with David Flannery as applicant/agent) for the parcel located at 5006 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-36-011-000) in the B-3 (Commercial Service)

Zoning District to amend the existing master plan for a commercial/recreational facility known as Apple Holler

David Flannery stated that this master plan amendment includes the construction of a 60-foot by 152-foot pole building and the relocation of several smaller structures. Madsen stated that additional stormwater improvements may be required, depending on how much land disturbance will occur due to the improvements and updates proposed in this amendment. Flannery stated that his plans may include the construction of a retail store in a few years.

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

Resolution 2022-04 Approving a request for site plan review to amend the existing master plan for a commercial/recreational facility known as Apple Holler at 5006 South Sylvania Avenue (West Frontage Road), Sec. 36, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-36-011-000); Flannery Land Holdings, LLC, Owner; David Flannery, Applicant/Agent

Motion (Alby, Geschke) to recommend the adoption of Resolution 2022-04 as presented, MC.

Motion (Maurice, Bartlett) to accept the Plan Commission's recommendation and to adopt Resolution 2022-04 as presented, MC.

Union Grove/Yorkville stream bed/bank restoration

Discussion focused on a request from the Village of Union Grove to share in the cost of restoring the stream bed and bank of the stream south of the east entrance to the Racine County Fairgrounds on the west side of South Colony Avenue (USH 45). McKinney stated that Union Grove was awarded a Wisconsin Department of Natural Resources grant of \$18,292.00 toward this project, with Racine County committing another \$10,000.00 toward it, leaving an outstanding balance of \$74,345.12 to be paid locally for this project. Madsen recommended that the Village Board not commit to a specific percentage of the project cost if they were to participate in this project. S. Nelson recommended that written permission to perform this work be obtained from the property owners along the stream in this area.

Motion (Maurice, Bartlett) to table this agenda item and refer it to the Yorkville Stormwater Utility Commission for consideration, MC.

Yorkshire Highlands subdivision final plat, development agreement, and related documents

Discussion focused on the timing of the receipt of the final drafts of the documents related to this subdivision. The Village Board opted to delay action on these documents for another month to provide adequate time to review them.

Motion (S. Nelson, Bartlett) to table this agenda item until the March 14 joint Village Board/Plan Commission meeting, MC.

2022 Bipartisan Infrastructure Law solicitation

McKinney stated that this program creates additional federal funding for local road construction projects for the 2023 construction year, adding that the deadline for submitting a funding request application for this program is April 1, 2022, with more detailed project plans due by August 1.

Motion (Maurice, Funk) to authorize the Administrator/Clerk and the Village Engineer to prepare applications for the Wisconsin Department of Transportation's 2022 Bipartisan Infrastructure Law program for the following projects:

- ***58th Road from 67th Drive to 55th Drive***
- ***North Raynor Avenue from Plank Road (CTH A) to Washington Avenue (STH 20)***
- ***56th Road from Durand Avenue (STH 11) to South Sylvania Avenue (West Frontage Road)***
- ***2 Mile Road from Raymond Avenue (CTH U) to 68th Street, MC.***

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

- The status of the stormwater improvements on the parcel located at 14401 58th Road
- The status of the proposed 2626 49th Drive access changes
- The status of the stormwater improvements on the parcels located at 2232 North Sylvania Avenue (West Frontage Road) and the vacant parcel located immediately to the south of 2232 North Sylvania Avenue (West Frontage Road)
- The status of the stormwater plan review for the vacant parcel located immediately to the west of 14215 2 Mile Road

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

Annual WE Energies road weight restriction request

Motion (Funk, S. Nelson) to place temporary weight restrictions on the following roads until May 10, 2022:

- ***The entire length of 51st Drive***
- ***67th Drive between Plank Road (CTH A) and 58th Road***
- ***The entire length of 69th Drive***
- ***The entire length of Braun Road***
- ***59th Drive between Durand Avenue (STH 11) and Spring Street (CTH C)***
- ***The entire length of 65th Court***
- ***The entire length of 63rd Drive***
- ***The entire length of 55th Drive, MC.***

Staab Construction Corporation pay request #7 for the 2021 wastewater treatment facility improvement project

McKinney stated that Short Elliott Hendrickson and the Sewer and Water Utility Manager recommended payment of this request.

Motion (S. Nelson, Maurice) to approve payment of pay request #7 submitted by Staab Construction Corporation in the amount of \$521,440.75 for the 2021 Wastewater Treatment Facility Improvement project, MC.

Ordinance 2022-01 Renumbering Articles V and VI, and creating Article V of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the placement of mailboxes in the right of way

McKinney stated that the purpose of this ordinance is to establish guidelines for the placement and composition of mailboxes, newspaper tubes, and their associated supports. One amendment was discussed by the Village Board for inclusion in this ordinance that addresses municipal liability for personal injury or property damage.

Motion (Funk, Maurice) to adopt Ordinance 2022-01 as amended, MC.

Special Event Permit application submitted by Bob Hagemann on behalf of the Waterford FFA Alumni for the Waterford FFA Alumni Consignment Auction, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from Friday, February 25, 2022, to Sunday, February 27, 2022

Motion (S. Nelson, Bartlett) to grant a Special Event Permit to Bob Hagemann on behalf of the Waterford FFA Alumni for the Waterford FFA Alumni Consignment Auction, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from Friday, February 25, 2022, to Sunday, February 27, 2022, with no conditions, MC.

2021-2022 annual Operator License application submitted by Marybeth Whipple

Motion (Funk, Maurice) to grant a 2021-2022 annual Operator License to Marybeth Whipple, with no conditions, MC.

Scheduling the 2022 Board of Review

Motion (S. Nelson, Bartlett) to schedule the 2022 Board of Review on Wednesday, July 20, 2022, from 5:00 p.m. to 7:00 p.m., 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.

Yorkville Stormwater Utility District Report: S. Nelson stated that the Yorkville Stormwater Utility Commission will need to meet to discuss the Union Grove/Yorkville stream bed/bank restoration proposal.

Roads/Public Works Committee Report: Maurice stated that the driveway culvert for the property located at 15130 Kingston Way was plugged. McKinney stated that a pothole in the shoulder across from 821 51st Drive was filled.

Long-Range Planning/Ordinance Committee Report: Maurice stated that the Committee met on February 8 and discussed mailbox and right-of-way encroachment ordinances.

Union Grove/Yorkville Fire Commission Report: S. Nelson stated that he had no information to report to the Village Board. McKinney stated that he was asked by Village of Union Grove staff about how much Yorkville would be willing to commit to a new Union Grove/Yorkville Fire Department fire station. The Village Board opted against establishing a specific amount for such a project until more is known about the Department's space needs.

Village President's Report: D. Nelson stated that he attended a meeting on regarding the proposed creation of a Racine County Intergovernmental Cooperation Council and the status of the Racine County Convention and Visitors Bureau.

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

- That the March 14 joint Village Board/Plan Commission meeting agenda may include agenda items related to the following:
 - 18917 Spring Street (CTH C) conditional use
 - 14708 Washington Avenue (STH 20)
 - Yorkshire Highlands subdivision final plat, development agreement, and related documents
- That the February 28 Village Board meeting agenda may include agenda items related to the following:
 - 2200 South Sylvania Avenue (West Frontage Road) financial assistance request
 - Racine County Economic Development Corporation report
- That the Wisconsin Department of Transportation plans to repave Durand Avenue (STH 11) in 2027 from 67th Drive to Spring Street (CTH C)
- That he and D. Nelson are meeting with Wisconsin Department of Transportation officials regarding a proposed roundabout at the intersection of Plank Road (CTH A) and Colony Avenue (USH 45)
- That issues were reported to the Village related to the proposed septic system location on a parcel in the Yorkville Meadows Subdivision
- That he was contacted with inquiries about alcohol licensing for the facilities located at 611 South Sylvania Avenue (West Frontage Road) and 2624 South Sylvania Avenue (West Frontage Road)
- That a notice of zoning violation was issued regarding activity taking place on the property located at 14800 Braun Road
- That he is waiting on additional information related to the rezoning request for the property located at 2025 51st Drive
- That an occupancy permit was issued for a home business for the property located at 1708 North Colony Avenue (USH 45)
- That the Village's official map ordinance is not finalized

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: 1906 Grandview Parkway property lighting performance standards

Motion (Bartlett, Maurice) to enter into closed session at 7:59 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(g)* to discuss 1906 Grandview Parkway property lighting performance standards. 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 1906 Grandview Parkway property lighting performance standards.

Motion (Maurice, Bartlett) to return to open session at 8:28 p.m., MC.

1906 Grandview Parkway property lighting performance standards

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

- ***To authorize the Administrator/Clerk to draft and send a letter to McLane Food Service regarding the property lighting performance standards for the property located at 1906 Grandview Parkway***
- ***To authorize the Administrator/Clerk to file an appeal of the Zoning Administrator's property lighting determination regarding the property located at 1906 Grandview Parkway contained in the communication from Shaun Maiter received by the Village via email on January 27, 2022, to the Village of Yorkville's Board of Appeals, MC.***

Adjournment

Motion (S. Nelson, Maurice) to adjourn, MC. The meeting was adjourned at 8:29 p.m. The next scheduled Village Board meeting is Monday, February 28, 2022, at 6:00 p.m.

Michael McKinney
Administrator/Clerk

* 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.