

MINUTES

VILLAGE OF YORKVILLE
VILLAGE BOARD
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, APRIL 25, 2022

Call to Order

Village Board President Douglas Nelson called the meeting to order at 6:27 p.m.

Roll Call

The following Village Board members were present: Douglas Nelson, Robert Funk, Steve Nelson, and Cory Bartlett. Daniel Maurice was absent. Also present were Matthew Moroney representing Wangard Partners, Maria Sandoval, Sophia Sandoval, Jesus Sandoval, Robert Basil and Robert Henzl representing Citgo Auto Truck Plaza, Plan Commission member Barbara Geschke, John Ames, Jr., Martin Haas, Attorney Tim Pruitt, Administrator/Clerk Michael McKinney, and approximately five unidentified attendees.

Approval of Minutes

Motion (S. Nelson, Funk) to approve the April 11, 2022 joint Village Board/Plan Commission and the April 11, 2022 joint Village Board/Plan Commission meeting minutes as presented, Motion Carried (MC).

Approval of Village Invoices

Motion (Funk, Bartlett) to approve payment of Village invoices as presented in the amount of \$23,782.40, MC.

Approval of Stormwater Invoices

Motion (S. Nelson, Funk) to approve payment of Stormwater invoices as presented in the amount of \$117.00, MC.

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

Reconsideration of Condition #30 of Resolution 2022-12, approved on April 11, 2022, and entitled "Approving a request for a conditional use permit to construct a ±399,900-square foot industrial building on this parcel at 2200 South Sylvania Avenue (West Frontage Road), Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-002-000); David Borzynski and Joseph Borzynski, Owner; Wangard Partners, Inc./Mark Lake, Applicant"

Motion (S. Nelson, Bartlett) to grant the request for reconsideration of Condition #30 of Resolution 2022-12, approved on April 11, 2022, and entitled "Approving a request for

a conditional use permit to construct a ±399,900-square foot industrial building on this parcel at 2200 South Sylvania Avenue (West Frontage Road), Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-002-000); David Borzynski and Joseph Borzynski, Owner; Wangard Partners, Inc./Mark Lake, Applicant,” and to approve the replacement of the current language of Condition #30, which reads as follows:

“30. Facility. Applicant shall construct an industrial building of at least 399,900-square feet with an approximate assessed value of \$25 Million as further set forth in the development agreement.”

With the following language:

“30. Facility. The Development is located within Village Tax Incremental District No. 1 created on September 9, 2019 (the “District”). The parties anticipate that, when substantially complete and fully assessed, the assessed value of the Development shall be approximately \$25 million (the “Anticipated Value”). Developer acknowledges that the Village is relying on tax increment from the Development at the Anticipated Value to reimburse the Village, over a two-year period, its expenses to design, construct and install the Lift Station, which expenses the Village Engineer has estimated to be a total of \$400,000 - \$450,000. In the event that the Development has been commenced but is not substantially completed as of January 1, 2025, subject to force majeure, Developer shall make payments in lieu of taxes to the Village to the extent necessary to ensure that the Village’s actual expenses incurred to design, construct and install the Lift Station, not to exceed \$450,000, will be fully repaid in the years 2026 and 2027 from (a) tax increment generated by the Development and/or (b) payments in lieu of taxes calculated by multiplying the Village’s then-current mill rate by the differential between the Anticipated Value and the actual equalized value of the Development. If Developer makes any payment in lieu of taxes to the Village under this Section, the Village shall reimburse to Developer the amount of any such payment from future tax increment from the Development, but only from increment received during the life of the District.”, MC.

Request made by Maria Sandoval for reconsideration of the April 11, 2022, denial of the conditional use application for the parcel located at 14800 Braun Road (Parcel ID # 194-03-21-25-013-010) in the A-2 (General Farming and Residential II) Zoning District to occupy an existing barn with an event venue business, to exceed the accessory structure maximum aggregate total footprint area and to construct an open-sided accessory structure

Request made by Maria Sandoval for the continuation of the public hearing for the conditional use application for the parcel located at 14800 Braun Road (Parcel ID # 194-03-21-25-013-010) in the A-2 (General Farming and Residential II) Zoning District to occupy an existing barn with an event venue business, to exceed the accessory structure maximum aggregate total footprint area and to construct an open-sided accessory structure

Maria Sandoval read a letter to the Village Board outlining her reasoning for requesting reconsideration of the April 11, 2022, conditional use application denial.

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

- ***To grant the request made by Maria Sandoval for reconsideration of the April 11, 2022, denial of the conditional use application for the parcel located at 14800 Braun Road (Parcel ID # 194-03-21-25-013-010) in the A-2 (General Farming and Residential II) Zoning District to occupy an existing barn with an event venue business, to exceed the accessory structure maximum aggregate total footprint area and to construct an open-sided accessory structure***
- ***To grant the request made by Maria Sandoval for the continuation of the public hearing for the conditional use application for the parcel located at 14800 Braun Road (Parcel ID # 194-03-21-25-013-010) in the A-2 (General Farming and Residential II) Zoning District to occupy an existing barn with an event venue business, to exceed the accessory structure maximum aggregate total footprint area and to construct an open-sided accessory structure, and to schedule said public hearing for the joint Village Board/Plan Commission meeting on Monday, June 13, 2022, MC.***

Alcohol licensing for the Citgo Auto Truck Plaza, 611 South Sylvania Avenue (West Frontage Road)

Discussion focused on a request from Robert Basil to obtain a Combination Class B beer and liquor license for this business to allow for the use of prohibited gambling machines on the licensed premises. Discussion also focused on the statutory requirements for operating a Combination Class B beer and liquor establishment. The consensus of the Village Board was to not support this request.

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

North Colony Avenue and 53rd Drive paving and drainage program project driveway and cross culvert replacement

McKinney stated that the Village's engineer inspected the existing driveway and cross culverts on North Colony Avenue and 53rd Drive and recommended replacing four driveway culverts on North Colony Avenue and a cross culvert on 53rd Drive due to corrosion. The Village Board requested that quotes be obtained for replacing the existing corrugated metal cross culvert on North Colony Avenue.

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

Engineer's Report - report on activities and issues

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

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

Reconsideration of the Combination Class B Beer and Liquor License application submitted by Dave's Diner for 904 South Sylvania Avenue (West Frontage Road) for the period of April 12, 2022, through June 30, 2022 (Agent: David Johnson) (Premises: Bar/restaurant and patio area), as approved on April 11, 2022

Motion (S. Nelson, Bartlett) to reconsider the Combination Class B Beer and Liquor License application submitted by Dave's Diner for 904 South Sylvania Avenue (West Frontage Road) for the period of April 12, 2022, through June 30, 2022 (Agent: David Johnson) (Premises: Bar/restaurant and patio area), as approved on April 11, 2022, MC.

Combination Class B Beer and Liquor License application submitted by Dave's Diner for 904 South Sylvania Avenue (West Frontage Road) for the period of April 12, 2022, through June 30, 2022 (Agent: David Johnson) (Premises: Bar/restaurant and patio area)

McKinney stated that the applicant is no longer pursuing a lease for this location.

Motion (S. Nelson, Funk) to deny the Combination Class B Beer and Liquor License application submitted by Dave's Diner for 904 South Sylvania Avenue (West Frontage Road) for the period of April 12, 2022, through June 30, 2022 (Agent: David Johnson) (Premises: Bar/restaurant and patio area), MC.

Gaming machine license ordinances

The Village Board directed the Long-Range Planning/Ordinance Committee to review and make recommendations for amendments to the Village's gaming machine licensing ordinances.

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

Staab Construction Corporation pay request #9 for the 2021 wastewater treatment facility improvement project

Motion (S. Nelson, Funk) to approve payment of pay request #9 submitted by Staab Construction Corporation in the amount of \$1,136,981.00 for the 2021 Wastewater Treatment Facility Improvement project, MC.

Request for proposals for zoning-related services

The Village Board directed McKinney to prepare a request for information for zoning-related services.

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

Resolution 2022-16 Designating and appointing committee members and officials to various positions in Village of Yorkville government

Motion (Funk, S. Nelson) to adopt Resolution 2022-16 as presented, MC.

Special Event Permit application submitted by Linda Simonsen on behalf of Classic Cars for K9's for Classic Cars for K-9's, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), on Saturday, May 14, 2022

Motion (Bartlett, S. Nelson) to grant a Special Event Permit to Linda Simonsen on behalf of Classic Cars for K9's for Classic Cars for K-9's, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), on Saturday, May 14, 2022, with no conditions, MC.

2021-2022 annual Operator License application submitted by Randall Treu

Motion (S. Nelson, Bartlett) to grant a 2021-2022 annual Operator License to Randall Treu, with no conditions, MC.

Reports

Code Enforcement Officer's Report: The Code Enforcement Officer was not present to provide his report to the Village Board. McKinney stated that the Code Enforcement Officer responded to a complaint about stormwater runoff on the property located at 19013 2 Mile 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 he had no information to report to the Village Board.

Long-Range Planning/Ordinance Committee Report: McKinney stated that the Committee discussed home occupation ordinances at their April 12 meeting. S. Nelson stated that the Committee will discuss adult-oriented business ordinances at their May 10 meeting.

Union Grove/Yorkville Fire Commission Report: S. Nelson stated that the Commission met on April 13 and discussed the Union Grove/Yorkville Fire Department fire station needs.

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 the May 9 joint Village Board/Plan Commission meeting agenda may include agenda items related to the following:
 - 18320 Old Yorkville Road conditional use
 - Documents related to the Yorkshire Highlands subdivision final plat

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

Adjournment

Motion (S. Nelson, Bartlett) to adjourn, MC. The meeting was adjourned at 8:14 p.m. The

next scheduled Village Board meeting is Monday, May 9, 2022, at 6:00 p.m.

Michael McKinney
Administrator/Clerk