

MINUTES

VILLAGE OF YORKVILLE
JOINT VILLAGE BOARD/PLAN COMMISSION
VILLAGE BOARD ROOM
UNION GROVE MUNICIPAL CENTER
MONDAY, SEPTEMBER 12, 2022

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, and Aaron Alby. Timothy DeGarmo was absent. Also present were Janine Carls, Peter Petersen on behalf of E&R Manufacturing Co., Thomas Disch on behalf of Handi Products, Chad Ishman on behalf of 2730 Sylvania Ave, LLC, Michael Fincutter on behalf of McLane Foodservice, Inc., Marcelino Maldonado on behalf of Stewart and Sons Construction, LLC, Jenny Waldron on behalf of the Raymond School PTO, Vicki Funk, Code Enforcement Officer Terrence O'Brien, Engineer Mark Madsen, Attorney Tim Pruitt, and Administrator/Clerk Michael McKinney.

Approval of Minutes

Motion (S. Nelson, Bartlett) to approve the August 22, 2022, Village Board meeting minutes as presented, Motion Carried (MC).

Approval of Financial Reports

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

Approval of Village Invoices

Motion (Maurice, Bartlett) to approve payment of Village invoices as presented in the amount of \$180,188.47, 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:

Deputy Clerk-Treasurer appointment

McKinney introduced Janine Carls to the Village Board, stating that his recommendation is to appoint Carls as the Village Deputy Clerk-Treasurer, with an annual starting salary of

\$46,000.00, one week of vacation for the remainder of 2022, and three weeks of vacation starting January 1, 2023. Carls stated that she would like to begin working for the Village on Wednesday, October 5.

Motion (Bartlett, Funk) to accept the Administrator/Clerk's recommendation and to appoint Janine Carls as the Village's Deputy Clerk-Treasurer, with an official start date of Wednesday, October 5, an annual starting salary of \$46,000.00, one week of vacation for the remainder of 2022, and three weeks of vacation starting January 1, 2023, MC.

Class B weight restriction exemption renewal request related to the conditional use application approved on September 9, 2019, for the parcel located at 2505 65th Drive (Parcel ID # 194-03-21-04-046-020) for the parking and storage of a semi-tractor, flatbed trailer and dump trailer for a business known as JV Trucking, LLC

McKinney stated that he is not aware of any complaints related to this weight limit exemption.

Motion (Maurice, S. Nelson) to approve a one-year Class B weight restriction exemption related to the conditional use application approved on September 9, 2019, for the parcel located at 2505 65th Drive (Parcel ID # 194-03-21-04-046-020) for the parking and storage of a semi-tractor, flatbed trailer and dump trailer for a business known as JV Trucking, LLC, MC.

Notice of violation enforcement postponement extension request submitted by E&R Manufacturing Co. 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

Peter Petersen stated that he has been unable to sell this business.

Motion (Geschke, Alby) to recommend approval of the notice of violation enforcement postponement request submitted by E&R Manufacturing Co. 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 to November 8, 2023, MC.

Motion (S. Nelson, Maurice) to accept the Plan Commission's recommendation and to approve the notice of violation enforcement postponement request submitted by E&R Manufacturing Co. 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 to November 8, 2023, 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 2730 Sylvania Ave, LLC (with Handi Products/Thomas Disch as applicant/agent) for the parcel located at 2730 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-24-021-001) in the B-3 (Commercial

Service) Zoning District to occupy an existing commercial building and site with a trailer and handicap accessibility product sales and service business known as “Handi Products”

D. Nelson opened the public hearing at 6:10 p.m.

Chad Ishman addressed the Village Board and Plan Commission regarding this request.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:12 p.m.

Conditional use application submitted by 2730 Sylvania Ave, LLC (with Handi Products/Thomas Disch as applicant/agent) for the parcel located at 2730 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-24-021-001) in the B-3 (Commercial Service) Zoning District to occupy an existing commercial building and site with a trailer and handicap accessibility product sales and service business known as “Handi Products”

Discussion focused on the potential drainage and stormwater impact of this proposed use as well as the types of vehicles and equipment that would be stored or parked at this site. Madsen stated that any disturbance of more than one acre would require approval of a stormwater, grading, and erosion control plan. Thomas Disch stated that utility trailers and yard ramps would be stored at this site, adding that this site will be used for overflow storage and parking for Handi Products’ main facility in Kenosha. He noted that the existing parking and storage areas will have a new layer of crushed asphalt spread out on them, adding that crushed asphalt is only being spread out in places that already have an impervious base surface.

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

Resolution 2022-30 Approving a conditional use permit request to occupy an existing commercial building and site with a trailer and handicap accessibility product sales and service business known as “Handi Products” at 2730 South Sylvania Avenue (West Frontage Road), Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-021-001); 2730 Sylvania Ave, LLC, Owner; Handi Products/Thomas Disch, Applicant/Agent

Motion (Geschke, Alby) to recommend the adoption of Resolution 2022-30 as presented, MC.

Motion (Funk, Maurice) to accept the Plan Commission’s recommendation and to adopt Resolution 2022-30 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 McLane Foodservice, Inc. (with Michael Fincutter as applicant/agent) for the parcel located at 1906 Grandview Parkway (Parcel ID #'s 194-03-21-13-029-112 and 194-03-21-24-001-040) in the M-3 (Heavy Industrial) Zoning District to update the exterior lighting plan for a business known as “McLane Foodservice”

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

Michael Fincutter 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 McLane Foodservice, Inc. (with Michael Fincutter as applicant/agent) for the parcel located at 1906 Grandview Parkway (Parcel ID #'s 194-03-21-13-029-112 and 194-03-21-24-001-040) in the M-3 (Heavy Industrial) Zoning District to update the exterior lighting plan for a business known as "McLane Foodservice"

Discussion focused on the quality of the landscaping screen along the western edge of the property. Fincutter stated that some of the trees there have washed into the fence line.

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

Resolution 2022-31 Approving a conditional use permit request to update the exterior lighting plan for a business known as "McLane Foodservice" at 1906 Grandview Parkway, Sec. 13 and Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-13-029-112 and 194-03-21-24-001-040); McLane Foodservice, Inc., Owner; Michael Fincutter, Applicant/Agent

Motion (Alby, Bartlett) to recommend the adoption of Resolution 2022-31 as presented, MC.

Motion (S. Nelson, Funk) to accept the Plan Commission's recommendation and to adopt Resolution 2022-31 as presented, MC.

Withdrawal of the appeal to the Village of Yorkville's Board of Appeals 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

McKinney stated that this appeal is no longer necessary as an updated lighting plan has now been approved for this property.

Motion (S. Nelson, Bartlett) to officially withdraw the appeal to the Village of Yorkville's Board of Appeals 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, MC.

Violations related to the conditional use permit originally approved on August 12, 2019, to raze two accessory structures and a silo, to construct a 40-foot by 72-foot (2,880-square foot) pole barn, and to use a portion of said pole barn for the storage and maintenance of construction equipment and vehicles for a business known as Stewart and Sons Construction for the parcel located at 15516 Ives Grove Road, Sec. 11, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-11-017-003); Stewart and Sons Construction, LLC, Owner; Marcelino Maldonado, Applicant/Agent

Discussion focused on the ongoing conditional use permit violations related to the outdoor storage of work vehicles and other miscellaneous items at this site. Marcelino Maldonado

stated that he is cleaning up the miscellaneous items stored outside, adding that the two trailers that are normally stored outside are for personal rather than business use. He noted that the other business-related equipment and vehicles have been moved inside the pole barn on the property to comply with the conditional use permit. Discussion also focused on the business hours of operation included in the original conditional use approval, given that there were concerns that the business is operating outside of those hours of operation. Pruitt stated that the applicant could apply for a minor amendment to the original conditional use permit to expand the business' hours of operation. The Village Board and Plan Commission concurred that this operation needs to adhere to the conditions of the original conditional use permit.

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

Site plan review application submitted by NLP II Grandview V, LLC (with Brittany Lach on behalf of Amazon as applicant/agent) for the parcels located at 1925 Grandview Parkway and 2000 Grandview Parkway (Parcel ID #'s 194-03-21-24-001-300 and 194-03-21-24-001-030) in the M-3 (Heavy Industrial) Zoning District to amend the existing overall master sign plan for these parcels to include five oversized directional ground signs

Resolution 2022-28 Approving a site plan review request for the amendment of an existing overall master sign plan to include five oversized directional ground signs at 1925 Grandview Parkway and 2000 Grandview Parkway, Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-24-001-300 and 194-03-21-24-001-030); NLP II Grandview V, LLC, Owner; Brittany Lach on behalf of Amazon, Applicant/Agent

McKinney stated that this request was withdrawn at the request of the applicant.

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

Scheduling a draft home occupation ordinance public information meeting

The Village Board opted to incorporate a public information meeting regarding the draft home occupation ordinance as part of the November 28 Village Board meeting, with follow-up of the results of that meeting addressed at the December 13 Long-Range Planning/Ordinance Committee meeting, and a public hearing on the ordinance at the January 9, 2023, joint Village Board/Plan Commission meeting.

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

Resolution 2022-32 Establishing a four-way traffic stop at the intersection of 58th Road and 67th Drive

Motion (S. Nelson, Maurice) to adopt Resolution 2022-32 as presented, MC.

Resolution 2022-33 Establishing a four-way traffic stop at the intersection of 58th Road and 59th Drive

Motion (Bartlett, Maurice) to adopt Resolution 2022-33 as presented, MC.

Stark Pavement Pay Request #1 for the 2022 53rd Drive and North Colony Avenue paving and drainage program projects

McKinney stated that the Village Engineer recommended payment of this request.

Motion (Funk, Bartlett) to approve payment of Stark Pavement Pay Request #1 in the amount of \$423,741.71 for the 2022 53rd Drive and North Colony Avenue paving and drainage program projects, MC.

51st Drive drain tile repairs

Discussion focused on repair or replacement options for a plugged or collapsed 15-inch drain tile in the ditch line on the west side of 51st Drive to the south of Spring Street (CTH C), including whether to place new tile back in the ditch line or to install tile on private property immediately adjacent and parallel to the right-of-way, and whether to daylight the tile into a small stream to the north. Maurice stated that the short segment of damaged drain tile on 51st Drive close to CTH C is located in the CTH C right-of-way.

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

2023 road construction projects

Madsen requested that the Village Board provide him with a list of potential 2023 road construction projects by early October.

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

Engineer's Report - report on activities and issues

Madsen reported to the Village Board on the following:

- That the collection of elevation data from the roadside ditch located at 15130 Kingston Way has been completed
- That he was contacted about proposed improvements on the property located at 18917 Spring Street (CTH C)
- That he was contacted about a proposal for a parking lot for semi-trucks on the vacant parcel located immediately to the south of 734 South Sylvania Avenue (West Frontage Road)

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

2023-2024 DH Assessments, LLC Assessment Services Agreement

McKinney stated that the Village currently pays \$1,850.00 monthly for assessment services, adding that the updated agreement proposed for these services would increase that cost to \$2,150.00 per month.

Motion (S. Nelson, Maurice) to approve the 2023-2024 DH Assessments, LLC Assessment Services Agreement as presented, MC.

2023 RYDE Racine Public Transit Service Agreement

McKinney stated that RYDE Racine is proposing a public transit service agreement increase to \$10,000 for 2023, which represents an increase of \$2,500, or 33.33%, over 2022

Motion (Funk, S. Nelson) to approve the 2023 RYDE Racine Public Transit Service Agreement as presented, MC.

Racine County Tax Incremental District No. 1 Reimbursement Payment #1

McKinney stated that this is the first of five annual reimbursement payments to be made to Racine County to repay the \$250,000.00 reimbursed to the then-Town for the Town's expenditures incurred for legal and engineering expenses related to the proposed expansion of water and wastewater infrastructure from Mount Pleasant, the proposed amendment of the Town's comprehensive plan to accommodate large-scale economic development, and the creation of an I-94 corridor master plan. He noted that these payments are funded by Tax Incremental District No. 1 increment.

Motion (S. Nelson, Funk) to approve Racine County Tax Incremental District No. 1 Reimbursement Payment #1 in the amount of \$50,000.00, MC.

Scheduling a fall tire and electronics collection event at the Village's waste and recycling collection site, 19040 Spring Street (CTH C)

Motion (Funk, Maurice) to schedule a fall tire and electronics collection event at the Village's waste and recycling collection site, 19040 Spring Street (CTH C), on Saturday, November 5, 2022, from 8:00 a.m. to 3:00 p.m., MC.

Setting dates for the Village's 2022 budget workshops

The Village Board decided to hold the first budget workshop at the September 26 Village Board meeting.

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

Special Event Permit application submitted by Ron Woodbridge on behalf of Monster Truck Wars for the Union Grove Monster Truck Wars, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), on Saturday, September 17, 2022

Motion (Funk, S. Nelson) to grant a Special Event Permit to Ron Woodbridge on behalf of Monster Truck Wars for the Union Grove Monster Truck Wars, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), on Saturday, September 17, 2022, with no conditions, MC.

Special Event Permit application submitted by Kelly DaPra on behalf of the Raymond School PTO for the Raymond School PTO Fall Festival, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from Friday, September 30, 2022, to Sunday, October 2, 2022

Motion (Maurice, Bartlett) to grant a Special Event Permit to Kelly DaPra on behalf of the Raymond School PTO for the Raymond School PTO Fall Festival, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), from Friday, September 30, 2022, to Sunday, October 2, 2022, with no conditions, MC.

Special Event Permit application submitted by Louise Paul and Stephanie Kurt on behalf of the Greater Union Grove Area Chamber of Commerce and the Racine County Agricultural Society for the Pumpkin Chuckin Fest, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), on Saturday, October 15, 2022

Motion (S. Nelson, Bartlett) to grant a Special Event Permit to Louise Paul and Stephanie Kurt on behalf of the Greater Union Grove Area Chamber of Commerce and the Racine County Agricultural Society for the Pumpkin Chuckin Fest, to be held at the Racine County Fairgrounds, 19805 Durand Avenue (STH 11), on Saturday, October 15, 2022, with no conditions, 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 he had no information to report to the Village Board.

Roads/Public Works Committee Report: Discussion focused on implementing temporary safety measures at the intersection of Washington Avenue (STH 20) and North Raynor Avenue (USH 45) due to a recent fatal accident there and on the ongoing replacement of the 58th Road bridge over the West Branch of the Root River Canal.

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 he has no updates to provide on the conditional use application submitted for the parcel located at 2025 51st Drive
- That the September 26 Village Board agenda may include agenda items related to the following:
 - 2021 annual audit report
 - 2022 Racine County Economic Development Corporation semi-annual report

- That the October 10 joint Village Board/Plan Commission meeting agenda may include an agenda item related to the 2502 North Sylvania Avenue (West Frontage Road) and 2626 49th Drive final certified survey map
- That the Yorkville Stormwater Utility District will need to schedule a meeting to approve its 2023 annual budget
- That the final walkthrough for the 58th Road bridge replacement over the West Branch of the Root River Canal is scheduled for September 14
- That the Wisconsin Department of Transportation will hold a public officials' meeting on September 20 to discuss the upcoming Colony Avenue (USH 45) resurfacing project from 7th Avenue in Union Grove to Washington Avenue (STH 20), adding that a roundabout at Plank Road (CTH A) will not be included in this project
- That the Sewer and Water Commission will discuss the Daniels Sharpsmart, Inc. Solid Waste Disposal, Storage or Treatment Permit application at their September 20 meeting

Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

Adjournment

Motion (Funk, Bartlett) to adjourn, MC. The meeting was adjourned at 8:56 p.m. The next scheduled Village Board meeting is Monday, September 26, 2022, at 6:00 p.m.

Michael McKinney
Administrator/Clerk