

## MINUTES

VILLAGE OF YORKVILLE  
VILLAGE BOARD  
VILLAGE BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, SEPTEMBER 26, 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. Also present were Robert Gleason on behalf of 2730 Sylvania Ave, LLC, Litigation Counsel Joseph Wirth on behalf of Wirth and Baynard, Racine County Economic Development Corporation Business Recruitment Specialist Jordan Brown, Krisztina Dommer on behalf of KerberRose, Code Enforcement Officer Terrence O'Brien, Engineer Mark Madsen, Attorney Tim Pruitt, Deputy Clerk-Treasurer-designee Janine Carls, and Administrator/Clerk Michael McKinney.

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

#### Closed Session:

- **Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations**
- **Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance**

***Motion (S. Nelson, Bartlett) to enter into closed session at 6:02 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(g)\* to discuss the following with legal counsel:***

- ***Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations***
- ***Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance. 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 the following with legal counsel:

- Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations
- Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance

***Motion (Funk, S. Nelson) to recess to open session at 6:04 p.m., Motion Carried (MC).***

### **Approval of Minutes**

***Motion (S. Nelson, Funk) to approve the September 12, 2022, joint Village Board/Plan Commission meeting minutes as presented, MC.***

### **Approval of Village Invoices**

***Motion (Bartlett, Maurice) to approve payment of Village invoices as presented in the amount of \$16,668.62, 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:**

**Reconsideration of 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 (S. Nelson, Maurice) to grant the request for reconsideration of Resolution 2022-30, approved on September 12, 2022, and entitled “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”, MC.***

Discussion focused on Condition #24 of this resolution, relating to the submission of a complete site grading plan, erosion control plan and stormwater management plan for review and approval by the Village Engineer. McKinney stated that recent grading has taken place on this property, adding that the location of existing disturbed areas of the property cannot be determined because of this grading. Madsen stated that he cannot determine whether there will be sufficient disturbance on this property related to this use to trigger this condition. He

recommended that the Village Board amend this condition to require that the complete site grading plan, erosion control plan and stormwater management plan be presented for his review and approval as part of a comprehensive development plan when the remainder of the property is set for development.

***Motion (Bartlett, S. Nelson) to approve the replacement of the current language of Condition #24 of Resolution 2022-30, which reads as follows:***

***“24. Plans Required. The applicant shall submit a complete site grading plan, erosion control plan and stormwater management plan meeting Village requirements for review and approval by the Village Engineer at the applicant’s expense.”***

***With the following language:***

***“24. Plans Required. The applicant shall submit a comprehensive site grading plan, erosion control plan and stormwater management plan for the entire subject parcel meeting Village requirements for review and approval by the Village Engineer at the applicant’s expense.”, MC.***

**Closed Session:**

- Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations
- Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance

***Motion (S. Nelson, Bartlett) to enter into closed session at 6:15 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(g)\* to discuss the following with legal counsel:***

- ***Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations***
- ***Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance. 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 the following with legal counsel:

- Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations

- Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance

***Motion (Funk, Bartlett) to return to open session at 6:58 p.m., MC.***

**Jon W. Erickson and Kay M. Erickson v. Village of Yorkville and Daniel Maurice, individually, Milwaukee Division, Eastern District of Wisconsin, United States District Court, File No. 21-CV-544, and 18917 Spring Street (CTH C) property maintenance enforcement and conditional use violations**

**and**

**Jenkins v. Village of Yorkville, Circuit Court, Racine County, State of Wisconsin, Case No. 21-CV-1034, and 17806 Spring Street (CTH C) property maintenance**

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

### **Engineer's Report - report on activities and issues**

Madsen stated that he had no information to report to the Village Board.

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

### **2022 Racine County Economic Development Corporation semi-annual report**

Jordan Brown appeared on behalf of the Racine County Economic Development Corporation (RCEDC) to provide RCEDC's 2022 semi-annual report summarizing RCEDC's activities and accomplishments.

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

### **2021 annual audit report**

Krisztina Dommer presented the 2021 audit report for the Village of Yorkville, the Yorkville Sewer Utility District, the Yorkville Water Utility District, and the Yorkville Stormwater Utility District to the Village Board.

***Motion (S. Nelson, Maurice) to adopt the 2021 annual audit as presented, MC.***

### **Intergovernmental Agreement between the Village of Raymond and the Village of Yorkville related to the 2 Mile Road Bridge replacement project**

McKinney stated that this agreement governs how the Village of Raymond and the Village of Yorkville will collaborate on the 2 Mile Road Bridge replacement project.

***Motion (Maurice, Bartlett) to approve the Intergovernmental Agreement between the Village of Raymond and the Village of Yorkville related to the 2 Mile Road Bridge replacement project as presented, subject to the approval of this agreement by the Village of Raymond, MC.***

**Resolution 2022-34 Authorizing the execution of agreements with the Village of Raymond and the Wisconsin Department of Transportation for the 2 Mile Road bridge replacement project**

*Motion (Bartlett, Funk) to adopt Resolution 2022-34 as presented, subject to the approval of a corresponding resolution by the Village of Raymond, MC.*

**2022 bridge condition report**

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

**Short Elliott Hendrickson New Well #2 Additional Design Services Supplemental Letter Agreement**

McKinney stated that this agreement replaces the existing agreement in place for this project, adding that this new agreement adds \$42,382.60 to the original amount of \$120,100.00 included in the existing agreement.

*Motion (S. Nelson, Funk) to approve the Short Elliott Hendrickson New Well #2 Additional Design Services Supplemental Letter Agreement as presented, MC.*

**Staab Construction Corporation pay request #14 for the 2021 wastewater treatment facility improvement project**

McKinney stated that this pay request was approved by the Sewer and Water Commission at their meeting on September 20.

*Motion (S. Nelson, Maurice) to approve payment of pay request #14 submitted by Staab Construction Corporation as presented in the amount of \$277,583.00 for the 2021 Wastewater Treatment Facility Improvement project, MC.*

**Staab Construction Corporation change order #3 for the 2021 wastewater treatment facility improvement project**

McKinney stated that this change order includes four additions and one deduction to the original 2021 wastewater treatment facility improvement project in the total amount of \$94,247.00, and an extension of the project's substantial completion date to October 7, 2022.

*Motion (S. Nelson, Maurice) to approve Staab Construction Corporation change order #3 as presented, MC.*

**Setting hours of the Village's 2022 trick-or-treat**

*Motion (Funk, Maurice) to set the hours for the Village's 2022 trick-or-treat on Monday, October 31, 2022, from 5:30 p.m. to 7:30 p.m., MC.*

## Reports

**Code Enforcement Officer's Report:** Discussion focused on issues related to the following properties:

- 15739 Braun Road
- 110/128 67<sup>th</sup> Drive
- 5115 57<sup>th</sup> Drive

**Yorkville Stormwater Utility District Report:** S. Nelson stated that the Yorkville Stormwater Utility District Commission meets tomorrow to discuss their 2023 annual budget.

**Roads/Public Works Committee Report:** Discussion focused on the following:

- That this year's second annual roadside ditch mowing is nearing completion, and whether mowing has been completed on Church Road
- Damaged drain tile on 51<sup>st</sup> Drive near Spring Street (CTH C)
- The condition of the roadside ditches in the Stonecrest Shores subdivision

**Long-Range Planning/Ordinance Committee Report:** Maurice stated that the Committee discussed adult-oriented business ordinances and extraterritorial plat approval jurisdiction authority at their September 13 meeting.

**Union Grove/Yorkville Fire Commission Report:** D. 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 reported to the Village Board on the following:

- That the October 10 joint Village Board/Plan Commission meeting agenda may include agenda items related to the following:
  - 2502 North Sylvania Avenue (West Frontage Road) and 2626 49<sup>th</sup> Drive final certified survey map
  - 2022-2023 property, liability, and workers compensation insurance proposals
  - Draft lighting and sign ordinances
- That the 58<sup>th</sup> Road bridge over the West Branch of the Root River Canal should reopen tomorrow
- That the Sewer and Water Commission recommended that the Village Board extend the solid waste disposal, storage, or treatment permit for Daniels Sharpsmart through June 30, 2023, with the condition that the Village approve an amended wastewater discharge permit prior to the extension of this permit

## Public Comments, Questions and Suggestions

No public comments, questions or suggestions were provided.

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

### **2023 General Fund annual budget**

The Village Board discussed proposed 2023 property tax and tax incremental district revenues.

The Village Board discussed the following proposed 2023 budget expenditures:

- Racine County Economic Development Corporation contribution
- Plan Commission salaries
- Legal services
- Employee wages
- Union Grove-Yorkville Fire Department contribution
- Highway construction and maintenance
- Union Grove parks and recreation services contribution
- Code enforcement services
- Wastewater treatment facility improvement project debt service payments

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

### **Setting additional budget workshop dates**

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

**Scheduling a public hearing for presentation of the Village's 2023 General Fund, Tax Incremental District Fund, Sewer Utility Fund, Stormwater Utility Fund and Water Utility Fund annual budgets**

***Motion (Funk, Maurice) to schedule a public hearing for presentation of the Village's 2023 General Fund, Tax Incremental District Fund, Sewer Utility Fund, Stormwater Utility Fund and Water Utility Fund annual budgets at 6:00 p.m., on Monday, November 28, 2022, MC.***

**Scheduling a Village Board meeting for the purposes of approving the final 2022 payable 2023 tax levy and the Village's 2023 General Fund, Tax Incremental District Fund, Sewer Utility Fund, Stormwater Utility Fund and Water Utility Fund annual budgets**

***Motion (Funk, S. Nelson) to schedule a Village Board meeting for the purposes of approving the final 2022 payable 2023 tax levy and the Village's 2023 General Fund, Tax Incremental District Fund, Sewer Utility Fund, Stormwater Utility Fund and Water Utility Fund annual budgets on Monday, November 28, 2022, immediately following that evening's public hearing for presentation of the Village's 2023 General Fund, Tax Incremental District Fund, Sewer Utility Fund, Stormwater Utility Fund and Water Utility Fund annual budgets, MC.***

## **Closed Session: Employee performance data evaluation**

***Motion (S. Nelson, Maurice) to enter into closed session at 9:00 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(c)\*\* to evaluate employee performance data. Roll Call - Funk, Yes; Maurice, Yes; D. Nelson, Yes; S. Nelson, Yes; Bartlett, Yes. Motion Carried.***

The Village Board met in closed session to evaluate employee performance data.

***Motion (Funk, Bartlett) to return to open session at 9:09 p.m., MC.***

## **Employee performance data evaluation**

The Village Board authorized a 7.2% salary increase for the Administrator/Clerk in 2023.

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

## **Adjournment**

***Motion (S. Nelson, Bartlett) to adjourn, MC.*** The meeting was adjourned at 9:09 p.m. The next scheduled Village Board meeting is Monday, October 10, 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.

\*\* Wisconsin Statutes Section 19.85(1)(c) - Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility.