

## MINUTES

VILLAGE OF YORKVILLE  
VILLAGE BOARD  
VILLAGE BOARD ROOM  
UNION GROVE MUNICIPAL CENTER  
MONDAY, NOVEMBER 14, 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, Aaron Alby, and Timothy DeGarmo. Also present were: Nickolas Carriker, Deb Lauenstein, Terra Wierzbicki, and Fred Carlson (Zoomlion), Mark Sunday and Adam Cincotta (UPS), Robert Gleason, Doug Wheaton, Attorney Rebecca Shepro, Deputy Clerk/Treasurer Janine Carls, and Administrator/Clerk Michael McKinney.

### Approval of Financial Reports

***Motion (Maurice, Funk) to approve the October financial reports as presented, Motion Carried (MC).***

### Approval of Village Invoices

***Motion (S. Nelson, Bartlett) to approve payment of Village invoices as presented in the amount of \$83,542.99, MC.***

### Approval of Stormwater Invoices

***Motion (Bartlett, Maurice) to approve payment of Stormwater invoices as presented in the amount of \$1,354.00, MC.***

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

#### Public Works Manager Appointment

McKinney introduced Nickolas Carriker, a Yorkville Water Utility employee for the past 16 years. An offer of employment for the newly created Public Works Manager position, to be effective January 1, 2023, was extended to and accepted by Carriker. The agreed upon annual salary is \$82,000.00, with three weeks' vacation. It is expected that he completes the necessary certifications. Members present thanked Carriker for joining the team.

***Motion (Bartlett, S. Nelson) to approve appointment of Nickolas Carriker to the position of Public Works Manager pending approval from the Sewer and Water Commission, MC***

**Site plan review application submitted by Heavy Industry NA, Inc. (with Deb Lauenstein as applicant/agent) for the parcel located at 14215 2 Mile Road (Parcel ID # 194-03-21-01-001-070) in the M-3 (Heavy Industrial) Zoning District for the construction of a ±767-square foot lunchroom addition to an existing industrial building**

McKinney noted that Madsen had no concerns, nothing of note is being disturbed.

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

**Resolution 2022-37 Approving a site plan review request for the construction of a ±767-square foot lunchroom addition to an existing industrial building at 14215 2 Mile Road, Sec. 01, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-01-001-070); Zoomlion Heavy Industry NA, Inc., Owner; Deb Lauenstein, Applicant/Agent**

***PC Motion (Geschke, DeGarmo) to recommend the adoption of Resolution 2022-37 as presented, MC.***

***VB Motion (S. Nelson, Funk) to accept the Plan Commission's recommendation and to adopt Resolution 2022-37 as presented, MC.***

**Site plan review application submitted by Mark Sondag (with Adam Cincotta as applicant/agent) for site plan review for the parcel located at 14314 58th Road (Parcel ID # 194-03-21-24-007-000) in the M-3 (Heavy Industrial) Zoning District for the temporary occupancy of an existing ±16,224-square foot industrial building with a package distribution facility for a package distributor known as "UPS"**

McKinney addressed a question of adequate restroom facilities stating he had checked with DeLuca who confirmed that one unisex restroom was sufficient. Alby noted the application is for Nov-Dec usage, but the permit will be valid for 9 months and thus UPS can extend their lease. Maurice was concerned about semi-trucks on 58<sup>th</sup> Rd to which Cincotta responded that there would only be box trucks, all of which would be stored inside the facility.

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

**Resolution 2022-38 Approving a site plan review request for the temporary occupancy of an existing ±16,224-square foot industrial building with a package distribution facility for a package distributor known as "UPS" at 14314 58th Road, Sec. 24, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-24-007-000); Mark Sondag, Owner; Adam Cincotta, Applicant/Agent**

***PC Motion (Geschke, Alby) to recommend the adoption of Resolution 2022-38 as presented, MC.***

***VB Motion (Maurice, Bartlett) to accept the Plan Commission's recommendation and to adopt Resolution 2022-38 as presented, MC.***

**Preliminary certified survey map request submitted by 2730 Sylvania Ave, LLC (with Robert Gleason 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) and M-3**

## **(Heavy Industrial) Zoning Districts to allow for the division of this parcel into a 9.40-acre parcel and a 16.10-acre parcel**

McKinney noted some waivers would be needed for approval given the irregular shape of the lot relative to shape, ratios and frontage space requirements. Soil boring locations may need to be added to map. Also discussed DOT approved access points which are confirmed by surveyor. Gleason indicated the access driveway will be added to map once the pond location is decided on.

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

## **2023 Operation of snowmobiles on Village-owned property located at 19040 Spring Street (CTH C)**

Funk recused himself from any discussion of or action on this request.

McKinney stated that John Kurt with the Grove SnoHawk snowmobile club requested relocation of snowmobile trail to cross the Village's waste collection site. McKinney consulted with insurance and legal, both had no issues with the proposed resolution. Discussed conditions within the resolution, reason for moving the trail (Canopy Hills Dev.), areas covered by DNR insurance, and club insurance.

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

## **Resolution 2022-39 Permitting the operation of snowmobiles on Village-owned property located at 19040 Spring Street (CTH C)**

***Motion (Maurice, Bartlett) to adopt Resolution 2022-39 as presented, motion carried with Funk abstaining.***

Upon the conclusion of this agenda item, Funk rejoined the Village Board and Plan Commission meeting.

## **Draft sign ordinances**

Shepro outlined recent court cases prompting revisions to Yorkville's Sign Ordinance. The revised ordinance focuses on content neutral regulations. There was discussion as to what actions can be taken if signage is perceived as vulgar and what defines obscenity. Ultimately, we cannot regulate content – better handled amongst neighbors. Unresolved issues would need a court to decide.

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

## **Draft Lighting Ordinances**

Shepro reviewed some key changes to the lighting ordinances that were prompted by the dark sky ordinance. These include bulb brightness, maximum fixture heights, light "trespass" over property lines, parking lot lighting requirements, security light exemptions from shielding and new construction lighting plans.

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

## **2023 Union Grove Parks and Recreation contribution**

McKinney noted that an invitation had been extended to UG Park and Rec to attend the meeting to field questions, but no one was present. Discussion continues to revolve around what Yorkville's contribution is being used for, how it benefits Yorkville, and whether the funds would be better spent elsewhere.

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

## **Citizen Complaint Policy**

McKinney and Carls are working on developing a formal complaint policy that requires more specificity from the complainant. Discussion as to how they will be received (phone, in office, online), open records requests, and sending initial warning letter from Village of Yorkville Office prior to using code enforcement. Shepro will research allowing anonymous complaints further.

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

## **Wisconsin Department of Transportation 2023-2026 Local Bridge Improvement Assistance Program project solicitation**

McKinney stated this is like programs we have used in the past. The bridge at 50<sup>th</sup> Rd at west branch of the Root River Canal qualifies for this program. It would be a rehabilitation rather than a replacement with 80% of cost being covered by the program. Discussion as to rating of this bridge, how much time rehab buys us vs replacement, and cost comparison.

***Motion (Maurice, Bartlett) to direct McKinney and Madsen to apply for the WI DOT 2023-2026 Local Bridge Improvement Assistance Program, MC.***

## **Wisconsin Department of Transportation 2024 Local Surface Transportation Program project solicitation**

McKinney noted that this application (due in March) requires the project cost to range from \$250,000.00 - \$500,000.00. It would be an 80/20 agreement. The design must be 100% locally funded (same as Grandview). Discussed eligible roadways and determined best stretch of road to apply for funding for will be 58<sup>th</sup> Rd from 59<sup>th</sup> to 55<sup>th</sup>.

***Motion (Maurice, Bartlett) to direct Madsen and McKinney to apply for the WI DOT 2024 Local Surface Transportation Program for 58<sup>th</sup> Road from 59<sup>th</sup> Drive to 55<sup>th</sup> Drive, MC.***

## **58th Road bridge railing over the West Branch of the Root River Canal**

McKinney stated that the number he was given to replace the railing for the 58<sup>th</sup> bridge (so it will not impede an existing access driveway) is just over \$49,000. He has reached out to DOT to see if a change order would be approved to increase the project amount and cover 80% of the cost of work needed. Work can be done by us at lesser cost. Discussed possibility of moving the access drive and culvert down further. Consultation with the Gehrand family (owner of parcel drive accesses) and a surveyor is recommended.

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

## **51<sup>st</sup> Drive drain tile easement appraisal**

McKinney stated that the drain tile has been installed and asked if getting an easement on Skewes property was needed. Consensus was that an easement is not needed.

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

## **Resolution 2022-40 Setting escrows for reimbursement of costs in submittals to the Village of Yorkville**

McKinney recommended increasing escrows as they are no longer sufficient. McKinney also asked for input on raising the escrow amount for reconsideration of denial of an original request to four times the initial payment due to associated costs. Concerns about the potential punitive nature of this increase were discussed and will be researched by Shepro. It was noted that in any case the reimbursement agreement remains a viable way to recoup associated costs.

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

## **Resolution 2022-41 Updating the fee schedule for fees established by Yorkville Village Board policy and various provisions of the Village of Yorkville Code of Ordinances**

McKinney stated that address signs for new construction is currently \$90. He recommends increasing that fee to \$145. This splits the cost down the middle when considering volume discounts.

***Motion (S. Nelson, Bartlett) to adopt Resolution 2022-41 as presented, MC.***

## **Code Enforcement Services**

Continuing consideration of alternative options for Code Enforcement including Municipal Code Enforcement, LLC and Racine County Sheriff's Department. Discussion included pros and cons of these two options, evaluating potential costs/savings, managing initial warnings from the Yorkville office whenever appropriate, and potential timing of making a change. Racine County will continue to be contacted for zoning enforcement.

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

## **2023 General Fund annual budget**

No recent changes or subsequent discussion.

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

## **2022-2023 annual Operator License applications submitted by the following: Samantha Bracker; Kierra McNeal**

***Motion (Funk, Maurice) to approve Operator Licenses for Samantha Bracker and Kierra McNeal, MC.***

## Reports

**Building Inspector's Report** – Not present.

***Motion (S. Nelson, Bartlett) to approve the Building Inspector's Report as presented, MC.***

**Engineer's Report** – No report.

**Yorkville Stormwater Utility District Report** – S Nelson stated that the drainage district had a meeting last Thursday and is moving ahead with assessment to dredge the west bank at a projected cost of 3.6 million. Yorkville will be responsible for 38%, Raymond about ½ of Yorkville's amount, and Union Grove the remainder.

**Roads/Public Works Committee Report** – Tile replacement on 51<sup>st</sup> completed.

**Union Grove/Yorkville Fire Commission Report** – Nothing of note.

**Village President's Report** – Nothing of note.

**Administrator/Clerk's Report** – Board meeting on Nov 28<sup>th</sup> to include the following: Real Racine presentation and 2023 contract discussion; public hearing and action on 2023 budget and tax levy; and public information session on home occupation ordinance, Sec. 20-1015. December 12<sup>th</sup> meeting will include Gleason CSM review and the preliminary CSM for a parcel located on 2 Mile Road and 53<sup>rd</sup> Rd they are seeking to split into three. The election went well with a new set up that reduces lines. 1756 persons voted in this election. Noted that Robert Funk, Dan Maurice, and Doug Nelson are up for election in Spring. Noted that Sprint/T-Mobile have not been able to secure an easement agreement with Speedy. McKinney has asked them to check on the potential for a prescriptive easement. Lastly McKinney mentioned he was working with Elaine regarding a possible payment arrangement with Sandoval for special charges due on November 15<sup>th</sup>.

## Other - 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 9:11 p.m. The next scheduled Village Board meeting is on Monday, November 28, 2022, at 6:00 p.m.

Janine Carls  
*Deputy Clerk-Treasurer*