



**Village Board & Planning Commission
Joint Meeting
Union Grove Municipal Center 925 15th Avenue
Monday, March 13, 2023**

1. Village Board President, Douglas Nelson, called the meeting to order at 6:01 pm.

2. Roll Call

President - Douglas Nelson. Trustees/Commissioners - Robert Funk, Daniel Maurice, Steve Nelson, Cory Bartlett, Aaron Alby, and Barb Geschke. Absent: Tim DeGarmo.

Staff - Michael McKinney (Administrator Clerk), and Janine Carls (Deputy Clerk/Treasurer).

Others Present – Mark Madsen (Engineer); Chris Geary (Atty.); Allison Schwark (Municipal Code Enforcement); Yorkville Elementary - Mark Rollefson, Dave Callewaert, Bill Ticha, and Jason Braun; Echo Lake Foods - Gary Kitelinger (Agent), and Jason Dye, William & Ethel Christensen, Raymond & Christine Smith, and Adam Johnsen.

3. New and Unfinished Business – Discussion and possible action on the following:

a. Closed Session

- 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
- 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

Motion (S Nelson, Bartlett) to enter into closed session at 6:04 p.m., pursuant to Wisconsin Statutes Section 19.85(1)(g) to discuss the following with legal counsel:*

- *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*
- *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. 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:

- 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
- 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

- b.** The Village Board shall RECONVENE INTO OPEN SESSION reserving the right to take action on the matters discussed in CLOSED SESSION and to move to the remaining meeting agenda as posted.

Motion (S Nelson, Bartlett) to reconvene into open session at 6:18 p.m., Motion Carried (MC).

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

4. Approval of Minutes

Motion (S Nelson, Funk) to approve the February 27, 2023, Village Board meeting minutes as presented, MC.

5. Approval of Financial Reports

Motion (Funk, Maurice) to approve Financial Reports as presented, MC.

6. Approval of Village Invoices

Motion (Bartlett, S Nelson) to approve Village invoices in the amount of \$179,695.66, MC.

7. Approval of Stormwater Invoices

No Stormwater invoices were presented for approval.

8. New and Unfinished Business – Discussion and possible action on the following:

- a. Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on a conditional use application submitted by Echo Yorkville, LLC (with Gary Kitelinger as applicant/agent) for the parcel located at 2319 Raymond Avenue (CTH U) (Parcel ID # 194-03-21-04-060-060) in the M-3 (Heavy Industrial) Zoning District to raze a portion of an existing industrial building and to construct a ± 29,232-square foot addition.**

D. Nelson opened the public hearing at 6:20 p.m.

Gary Kitelinger presented an overview of the plans related to this application. He noted that the updates should decrease noise levels of everyday operations at Echo Yorkville (reduced truck traffic, less need to run refrigerated trucks, etc.) William Christensen and Raymond Smith stated their concerns about current and potential noise levels. Kitelinger assured them he would speak with the plant owners about modifying the plant condenser fans to reduce noise output.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:30 p.m.

- b. Conditional use application submitted by Echo Yorkville, LLC (with Gary Kitelinger as applicant/agent) for the parcel located at 2319 Raymond Avenue (CTH U) (Parcel ID # 194-03-21-04-060-060) in the M-3 (Heavy Industrial) Zoning District to raze a portion of an existing industrial building and to construct a ± 29,232-square foot addition.**

Discussed ensuring previously set conditions are still being met or brought up to standard. Confirmed with Kitelinger that all lighting updates will meet the current lighting ordinance. Madsen noted that an updated site drainage plan is required. Further discussion regarding acceptable decibel levels as related to Yorkville ordinances. Alby noted that this conditional-use application does not include any items that would add “new” noise.

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

- c. Resolution 2023-10 Approving a conditional use permit request to raze a portion of an existing industrial building and to construct a ± 29,232-square foot addition at 2319 Raymond Avenue (CTH U), Sec. 04, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-04-060-060); Echo Yorkville, LLC, Owner; Gary Kitelinger, Applicant/Agent**

Motion (Alby, Geschke) to recommend Village Board adoption of Resolution 2023-10, contingent upon an updated drainage plan being submitted to and approved by Madsen, MC.

Motion (Maurice, Funk) to accept the Planning Commission’s recommendation and adopt Resolution 2023-10, contingent upon an updated drainage plan being submitted to and approved by Madsen, MC.

- d. Leetsbir Rd drainage and stormwater facilities**

Discussed probable causes for the pond/stormwater basin overflowing the Prosser RV lot. Madsen stated that he found a reference to the pond/basin being designed in the 1980s (predating current ordinances/regulations). He noted there have been pond overflow issues twice since 2004 (once blocked by a snapping turtle). As the pond is on private property the owner will need to further research how to correct the issue. The ditch is working properly. The property owner/lessee disturbed the ditch in 2022 and it needs to be repaired/reseeded.

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

- e. Official road and infrastructure map**

Board and commission members provided feedback/suggestions on road and infrastructure maps under development for long-term future planning of the area south of Grandview Pkwy.

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

- f. Engineer’s Report – report on activities and issues**

Madsen noted an issue between a developer and DOT at 2 Mile Rd and the frontage road, not related to the Village. He is currently working with the 2-Mile bridge estimates.

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

g. 2-Mile Road bridge over the West Branch of the Root River Calan replacement project

McKinney noted that the project cost has gone up significantly due to inflation, materials, labor, etc. The increased cost to the village is around \$8,000.00.

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

h. Annual Road Tour Report

Funk reported that a full review of the tour was not completed but overall, not much had changed. Regular maintenance items were noted and would be attended to in the Spring.

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

i. Municipal extraterritorial plat approval jurisdiction ordinances

Geary explained that updating the ordinance would essentially extend Yorkville's authority to review developments around the fringes of the village by a mile and a half, applying specifically to land division, not rezoning. Discussed the mile-and-a-half range and whether the ordinance could be executed on a case-by-case basis.

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

9. Reports

a. Building Inspector's Report

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

b. Code Enforcement Officer's Report

Schwark reported that she has been spending time getting to know the area and following up on several items creating paper records for previously verbal arrangements and closing old cases.

c. Yorkville Stormwater Utility District Report | No report

d. Roads/Public Works Committee Report | No report

e. Village President's Report | No Report

f. Administrator/Clerk's Report

McKinney stated that Jordan Brown (Racine County Economic Development Corporation) will attend the next meeting. McKinney is applying for grants for 58th RD (w of 55th) and for the 50th RD bridge.

10. Public Comments, Questions, and Suggestions

Mark Rollefson provided an updated description of the Operations Referendum and invited questions. Geschke asked for clarification on the exact impact on taxpayers. Rollefson explained that while the tax "increase" is estimated at \$52.00 annually for every \$100,000.00 in property value, the previous referendums are coming off the tax rolls resulting in very little, if any, change to taxation amounts. Rollefson also noted a public hearing will be held at 6 pm on Wednesday, March 15.

11. Adjournment

Motion (S Nelson, Bartlett) to adjourn the meeting at 7:57 pm, MC. The next scheduled joint Village Board and Planning Commission meeting is April 10, 2023, at 6:00 pm.

Respectfully submitted,
Janine Carls
Village Deputy Clerk/Treasurer

* 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.