



Village Board & Planning Commission
Joint Meeting Minutes
Union Grove Municipal Center 925 15th Avenue
Monday, June 12, 2023

1. Village Board President, Douglas Nelson, called the meeting to order at 6:00 pm.

2. Roll Call

President - Douglas Nelson. Trustees/Commissioners - Robert Funk, Daniel Maurice, Steve Nelson, Cory Bartlett, Barb Geschke, Aaron Alby, Tim DeGarmo. Staff Present - Michael McKinney (Administrator Clerk), and Janine Carls (Deputy Clerk/Treasurer). Others Present – Rebecca Shepro (Attorney), Zach Smith (Daniel's Sharpsmart), Travis Knautz and Ted Petr (Stericycle), Alisa Hogard (Culvers), Daniel Oakes, Jason Haubrich, and Robin Christensen (Resident).

3. Approval of Minutes

Motion (Bartlett, S. Nelson) to approve May 22, 2023, Village Board meeting minutes as presented, Motion Carried (MC).

4. Approval of Financial Reports

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

5. Approval of Village Invoices

Motion (Maurice, Bartlett) to approve village invoices in the amount of \$197,519.71, MC.

6. Approval of Stormwater Invoices

No stormwater invoices were presented for approval.

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

- a. **Public Hearing** – At 6:02 p.m. D. Nelson opened a public hearing to hear public comment on an application submitted by Stericycle, Inc., for a Solid Waste Disposal, Storage or Treatment Permit for the period of July 1, 2023, through June 30, 2024, to operate a regulated medical waste treatment facility utilizing Electro-Thermal Deactivation (shredding and thermal inactivation by use of low frequency radio waves) technology at 14035 Leetsbir Road and 14114 Leetsbir Road (Parcel ID #'s 194-03-21-24-002-130, 194-03-21-24-002-120, and 194-03-21-24-002-008) in the M-3 (Heavy Industrial) Zoning District

Discussion - Travis Knautz (Facilities Manager, Stericycle) stated that little has changed since the last permitting cycle. They have passed all DNR audits and Racine Wastewater testing. He noted that due to Kestrel Hawk Landfill closing, they will now use GFL in Muskego. No public comments were made. D. Nelson closed the public hearing at 6:03 pm

- b. **Application submitted by Stericycle, Inc., 14035 Leetsbir Road and 14114 Leetsbir Road, for a Solid Waste Disposal, Storage or Treatment Permit for the period of July 1, 2023, through June 30, 2024**

Motion (Bartlett, Funk) to approve the renewal of a Solid Waste Disposal, Storage or Treatment Permit for Stericycle for the period of July 1, 2023, through June 20, 2024, MC.

- c. **Public Hearing** – At 6:04 p.m. D. Nelson opened a public hearing to hear public comment on an application on an application submitted by Daniels Sharpsmart, Inc., for a Solid Waste Disposal, Storage or Treatment Permit for the period of July 1, 2023, through June 30, 2024, to operate a regulated medical waste treatment facility utilizing Autoclave (steam sterilization treatment) technology at 1340 Grandview Parkway (Parcel ID # 194-03-21-13-029-070) in the M-3 (Heavy Industrial) Zoning District

Discussion - Zach Smith (State Operations Manager) noted no changes since the last permitting period except that they are running enclosed trailers instead of open-top dumpsters to the landfill now. No public comments were made. D. Nelson closed the public hearing at 6:05 p.m.

- d. **Application submitted by Daniels Sharpsmart, Inc., 1340 Grandview Parkway, for a Solid Waste Disposal, Storage or Treatment Permit for the period of July 1, 2023, through June 30, 2024**

Motion (Funk, S. Nelson) to approve the renewal of a Solid Waste Disposal, Storage or Treatment Permit for Daniels Sharpsmart, Inc. for the period of July 1, 2023, through June 30, 2024, MC.

- e. **Extension request for a conditional use permit originally approved on December 13, 2021, and extended on August 8, 2022, to construct a nine-building self-service storage facility on the two vacant parcels located immediately to the west of 19411 Washington Avenue (STH 20), Sec. 07, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-07-001- 022 and 194-03-21-07-001-023); Storage Authority, LLC, Owner; Storage Authority, LLC/Brian Depies/Short Elliott Hendrickson, Applicant/Agent**

McKinney stated that Storage Authority is requesting a 9-month extension. Discussed limit on extension requests (no limit) and reason for Storage Authority's request (haven't been able to start yet).

Motion (S. Nelson, Funk) to approve the extension of the Conditional Use Permit for Storage Authority through May 31, 2024, MC.

- f. **Site plan review application submitted by GIGI Associates LLC (with Endpoint Solutions/Jason Heinonen as applicant/agent) for the parcel located at 722 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-13-010-010) in the B-3 (Commercial Service) Zoning District for the addition of a second drive-thru lane and relocation of the patio area and dumpster enclosure associated with Culvers**

Alysa Hogard (Culver's, Owner) outlined the plan to downsize and move the patio to the east side of the building, add a second drive-thru lane, and revamp the dumpster coral. The new lane will be closer to the building while the existing drive-thru lane will remain in the same space.

Motion (Geschke, Alby) in support of the site plan as presented, MC.

Motion (Maurice, Funk) in support of the site plan as presented, MC.

- g. **Resolution 2023-15 Approving a site plan review request for the addition of a second drive-thru lane and relocation of the patio area and dumpster enclosure associated with Culvers at 722 South Sylvania Avenue (West Frontage Road), Sec. 13, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-13-010-010); GIGI Associates LLC, Owner; Endpoint Solutions/Jason Heinonen, Applicant/Agent**

Motion (Alby, DeGarmo) to recommend Village Board approval of Resolution 2023-15 as presented, MC.

Motion (Maurice, Bartlett) to accept the Plan Commissions recommendation and to approve Resolution 2023-15 as presented, MC.

- h. **Pond permit application submitted by Daniel Oakes for the property located at 2470 Queens Brook Lane (Parcel ID # 194-03-21-02-001-200) in the C-2 (Upland Resource Conservation) Zoning District to permit excavation of a 28,350-square foot pond**

Daniel Oakes shared he is building a ½ acre pond because it's easier than digging a pool. McKinney stated Madsen reviewed the plan and is ok with it, noting it will be a landscaping pond, not a stormwater pond. Oakes confirmed the Certified Survey Map is complete with drain tile details.

Motion (Funk, Maurice) to approve Daniel Oakes' Pond permit for 2470 Queens Brook Lane as presented, MC.

- i. **Public Hearing – At 6:12 pm D. Nelson continued a joint public hearing to hear public comment on proposed revisions to Chapter 38 of the Village of Yorkville's Municipal Code of Ordinances relating to the adoption of an official map**

McKinney stated Madsen added water and sewer infrastructure details, followed up with the State Aeronautics to check flight restrictions in the area (none), and updated the legal descriptions. No public comments. D. Nelson closed the hearing at 6:13 pm.

- j. **Ordinance 2023-03 Creating Article VIII of Chapter 38 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the adoption of an official map**

Motion (Alby, Geschke) to recommend adoption of Ordinance 2023-03, MC.

Motion (S. Nelson, Bartlett) to accept the Plan Commission recommendation and to adopt Ordinance 2023-03 as presented, MC.

- k. **Public Hearing** – At 6:14 pm D. Nelson continued a joint public hearing to hear public comment on proposed revisions to Chapters 14 and 55 of the Village of Yorkville’s Municipal Code of Ordinances related to adult-oriented establishments.
- Shepro reviewed the proposed revisions highlighting recent changes to both chapters, emphasizing that we are not regulating the businesses, but rather the secondary effects. Discussed the exclusion of I-94 as a protected corridor to ensure at least one area of Yorkville is viable for use by an adult-oriented establishment to comply with 1st amendment rights. Robin Christensen expressed concern that the licensing/background check process necessitated additional staff (not needed). She was assured additional staff would not be needed; similar processes are already in place for liquor licensing. D. Nelson closed the public hearing at 6:41 pm.
- l. **Ordinance 2023-05 Repealing and recreating Division 22 of Chapter 55 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to adult establishment uses**
- Motion (Bartlett, DeGarmo) to recommend adoption of Ordinance 2023-05 as presented, MC.*
- Motion (Funk, Maurice) to accept Plan Commission recommendation and to adopt Ordinance 2023-05 as presented, MC.*
- m. **Ordinance 2023-06 Repealing and recreating Article XX of Chapter 14 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to the licensure of adult-oriented entertainment establishments**
- Motion (DeGarmo, Geschke) to recommend adoption of Ordinance 2023-06 as presented, MC.*
- Motion (Bartlett, S. Nelson) to accept the Plan Commission’s recommendation and to adopt Ordinance 2023-06 as presented, MC.*
- n. **Ordinance 2023-08 Amending Section 54-219 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, relating to sewer service connection charges**
- McKinney stated language will be changed to refer to the current fee resolution rather than a specific dollar amount so that the ordinance will not need to be amended each time a fee changes.
- Motion (S. Nelson, Maurice) to adopt Ordinance 2023-08 as presented, MC.*
- o. **License and permit applications for the period of July 1, 2023, through June 30, 2024 (all applications may be approved by one motion or individually):**
- 1) Apple Holler, 5006 South Sylvania Avenue (West Frontage Road) (Agent: Arthur David Flannery) (Premises: Entire Property)
 - i. Combination Class B Beer and Liquor License
 - ii. Operator Licenses: Jennifer Cruz, Elyse Flannery, Jacqueline Flanner, Riley Flannery, Vicki Flannery, Theresa James, Anthony Muchka
 - 2) Blue Badger Bar and Grill, 717 South Sylvania Avenue (West Frontage Road) (Agent: Victoria L. Reading) (Premises: Bar Room Area and Patio on Second Floor of Building)
 - i. Combination Class B Beer and Liquor
 - ii. Operator Licenses: Shannon Anderson, Audrianna Bruno, Alexis Flores, Kimberly Steege
 - iii. Class B Dance Hall License
 - iv. Gaming Machine License (5 video gaming)
 - 3) A Citgo Auto Truck Plaza, 611 South Sylvania Avenue (West Frontage Road) (Agent: Robert Francis Basil) (Premises: Truck Stop and Convenience Store)
 - i. Class “A” Beer License
 - ii. Operator Licenses: Sean Albrecht, Krystal Alvarez, Steven Basil, Ryan Burch, Christine Garvey, Martin Henderson, Jovan Jackson, Ryan Nelson, Lance Pagels, Andrew Rodriguez, Jonathan Witek
 - iii. Cigarette License
 - iv. Gaming Machine License (2 miscellaneous)

- 4) Country Food Mart, 1920 South Colony Avenue (USH 45) (Agent: Babubhai A. Patel) (Premises: Gas Station with Convenience Store)
 - i. Combination Class A Beer and Liquor License
 - ii. Cigarette License
- 5) Country Rose Bakery and Café, 19319 Washington Avenue (STH 20) (Agent: Rita A. Zadurski) (Premises: Café, Restaurant, Patio, Baker's Kitchen, Breakfast and Lunch Kitchen)
 - i. Class "B" Beer License
 - ii. Operator Licenses: Christine Mayer
- 6) Racine Petro, 717 South Sylvania Avenue (West Frontage Road) (Agent: Shari Erskine) (Premises: Convenience Store)
 - i. Combination Class A Beer and Liquor License
 - ii. Operator Licenses: Lorie DeGuire, Tracy Drews, Ryan Graichen, William Hedding, Mary Hoegsted, Jeanne Klinkhammer, Amber Lenius, Natasha Martin, Jennifer Risch, Stella Teschner, Jennifer Velez, Elizabeth Woods
 - iii. Cigarette License
 - iv. Gaming Machine License (5 video gaming)
- 7) Ives Grove Golf Links, 14101 Washington Avenue (STH 20) (Agent: Peter James Eitel) (Premises: Entire Property [Clubhouse, Pavilion, Golf Course, Driving Range])
 - i. Combination Class B Beer and Liquor License
 - ii. Operator Licenses: Candace Baas, Abigail Decker, Jill Decker, Emily Eitel, Nancy Eitel, Hannah Gehrke, David Hoeffert, Cheryl Maraccini, Lillie McDermott, Ellena Moore, Elaina Pettit, Emmytt Pettit, Olivia Spaulding, Allison Torhorst
 - iii. Cigarette License
- 8) Racine County Agricultural Society, 19805 Durand Avenue (STH 11) (Agent: Jeffrey Busch) (Premises: Entire Fenced-In Area of the Fairgrounds)
 - i. Combination Class B Beer and Liquor License
 - ii. Operator Licenses: Scott Gunderson, Louise Paul, Randall Treu
- 9) Racine Instinctive Bowmen, 14403 50th Road (Agent: Tom Peterson) (Premises: Main Clubhouse, Bar Area, Walk-In Cooler, and Locked Back Room)
 - i. Combination Class B Beer and Liquor License
 - ii. Operator Licenses: Rebecca Dahlke, James Gaastra
- 10) Route 20, 14001 Washington Avenue (STH 20) (Agent: Raymond J. Stibeck) (Premises: Restaurant, Bar, Mezzanine, Rear West Room, Patio, Parking Lot, and Rear Gravel Parking Lot)
 - i. Combination Class B Beer and Liquor License
 - ii. Operator Licenses: Chelsea Lindsey, Jennifer Neumann, Kimberly Parrett, Jordyn Verborg, Cory Zeitz
 - iii. Cigarette License
 - iv. Gaming Machine License (5 video gaming + 3 miscellaneous)
 - v. Class A Dance Hall License
 - vi. Annual Special Event Permit
- 11) The 14K Kitchen, 13851 56th Road/2624 South Sylvania Avenue (West Frontage Road) (Agent: Kristin L. Beasley) (Premises: Designated bar and unused café area in main lobby of Skydive Midwest's main hangar building)
 - i. Combination Class B Beer and Liquor License
 - ii. Operator Licenses: Benjamin Statler
- 12) TinCan Roadhouse, 20715 Durand Avenue (STH 11) (Agent: Tina M. Jahnke) (Premises: Entire Building including Patio)
 - i. Combination Class B Beer and Liquor License

- ii. Operator Licenses: Candi Lucksted
- iii. Gaming Machine License (5 video gaming + 2 miscellaneous)
- iv. Class B Dance Hall License
- 13) Wisconsin Sportsman's Association, Inc. (Gerald Werner), 16010 Durand Avenue (STH 11)
 - i. Shooting Facility License
- 14) Richard and Janice Fonk (Harvest View Estates), 15941 Durand Avenue (STH 11)
 - i. Mobile Home Park License
- 15) Konstantinos Gianakakis (Esmonds Motel), 4900 South Colony Avenue (USH 45)
 - i. Hotel/Motel License
- 16) Global Hotels, Inc. dba Quality Inn (Amil Patel), 910 South Sylvania Avenue (West Frontage Road)
 - i. Hotel/Motel License
- 17) Robert Gleason (Gleason Truck and Equipment), 2118 North Sylvania Avenue (West Frontage Road)
 - i. Junk or Auto Salvage Facility License

Motion (Funk, Maurice) to approve 2023-2024 Licensing as presented, MC.

p. **2023-2024 annual Operator License application submitted by Connor Flannery**

McKinney asked for conditional approval of Connor Flannery's application pending proof of an operator license or server training within the past two years.

Motion (Funk, Bartlett) to conditionally approve an Operator License for Connor Flannery, MC.

q. **2023 Union Grove Parks and Recreation contribution invoice**

Discussion regarding UG Parks and Recreation visit to the November 2022 board meeting in which questions asked had not yet been answered. Though the Yorkville general budget item for Park and Recreation had been approved with an increase, there has not been a formal motion to approve the increased contribution Union Grove had requested.

Motion (Funk) to give \$12,000 to Union Grove and set aside the remainder for Yorkville needs, motion later withdrawn.

Motion (Funk, Maurice) to follow up with Union Grove regarding the unanswered questions and to consider action at a future meeting based on those findings, MC.

8. **Reports**

a. **Building Inspector's Report**

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

b. **Code Enforcement Officer's Report**

Motion (Funk, S. Nelson) to approve the Code Enforcement Officer's Report as printed, MC.

c. **Engineer's Report**

McKinney stated that Madsen reported the agreement for the 58th RD is signed: work to begin soon. Madsen did some surveying in Stonebrook Shores and there is room to scrape the Haubrich ditch on Queens Brook LN. McKinney will get a quote from Dave Mutter.

d. **Yorkville Stormwater Utility District Report | No report**

e. **Roads/Public Works Committee Report | No report**

f. **Village President's Report**

D. Nelson asked Bartlett to give an update on a recent Racine County West End Fire Consolidation Meeting. Bartlett reported that they reviewed a lot of interesting data, especially mutual aid calls. Potential for more efficiency. Still in the fact-finding stage, the next meeting is scheduled for June 27.

g. **Administrator/Clerk's Report | No Report**

9. **Public Comments, Questions, and Suggestions**

Robin Christensen asked for clarification on Racine County Fairgrounds licensing. She also inquired about the reason for the military vehicle presence at the Fairgrounds on June 28, 2022. Jason Haubrich inquired about his ditch on Queens Brook Ln. McKinney stated that Madsen's survey indicated the dirt in the ditch is slightly higher than the culvert and that we will get quotes to have it cleaned out. Bartlett provided additional details from Madsen's report and McKinney forwarded the survey to Haubrich.

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

- a. **Closed Session:** The Village Board may entertain a motion to go into CLOSED SESSION pursuant to Wisconsin Statutes Section 19.85(1)(e)* to discuss Union Grove/Yorkville Fire Department fire station negotiations and land acquisition, and issues related thereto

Motion (S. Nelson, Maurice) to go into CLOSED SESSION at 7:37 p.m. Roll Call - Funk, Yes; Maurice, Yes; D. Nelson, Yes; S. Nelson, Yes; Bartlett, Yes. Motion Carried. Barb Geschke remained in attendance.

Discussed UGYFD fire station negotiations and land acquisition, and issues related thereto.

- 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 (Funk, Bartlett) to reconvene into open session at 8:10 p.m., MC.

No action was taken on this agenda item.

11. Adjournment

Motion (S. Nelson, Bartlett) to adjourn the meeting at 8:10 p.m., MC. The next scheduled Village Board meeting is June 26, 2023, at 6:00 pm.

Respectfully submitted,
Janine Carls
Village Deputy Clerk/Treasurer

* Wisconsin Statutes Section 19.85(1)(e) - Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session.