



## Village Board & Planning Commission Joint Meeting Minutes

Union Grove Municipal Center 925 15th Avenue

Monday, November 13, 2023

1. **Call to Order** - Douglas Nelson, Village Board President, called the meeting to order at 6:03 p.m.

2. **Roll Call**

President - Douglas Nelson. Trustees/Commissioners - Robert Funk, Daniel Maurice, Steve Nelson, Barb Geschke, Aaron Alby. Absent: Cory Bartlett, Tim DeGarmo. Staff Present - Michael McKinney (Administrator/Clerk) and Janine Carls (Deputy Clerk-Treasurer). Also Present - Tim Pruitt (Attorney), Rebecca Shepro (Attorney), Matthew Fitzgibbon (AT&T), Stacy Santiago (SENO), Nancy Washburn (Yorkshire Highlands), and Todd Dombrowski (Two Ski) and Robin Christensen.

3. **Consent Agenda - approval of:**

- a. October 23, 2023, Village Board meeting minutes
- b. Financial reports
- c. Village invoices in the amount of \$91,464.01
- d. Stormwater invoices in the amount of \$523.47
- e. Issuance of a 2023-2024 annual Operator Licenses to: Maricela Flores, Jason Johnson, Ian Schaefer
- f. Building Inspector's Report
- g. Code Enforcement Officer's Report

*Motion (S. Nelson, Maurice) to approve the Consent Agenda items as presented, Motion Carried (MC).*

4. **Business - Discussion and possible action on the following:**

- a. **Request for a reduction of Irrevocable Standby Letter of Credit No. 910009945, as amended, to secure obligations related to the implementation of the Yorkville Meadows subdivision development agreement**

McKinney reviewed a probable cost summary prepared by Houte for the remaining work required on Yorkville Meadows Ct. Pruitt provided recommended reduction figures. Discussed the status of two stormwater-related construction issues which were not able to be verified at the meeting.

*Motion (Maurice, S. Nelson) to table this letter of credit reduction request until such time as the status of the stormwater issues in the subdivision are confirmed, MC.*

- b. **Site plan request submitted by Kenneth and Diane Bretl (with AT&T/Matthew Fitzgibbon as applicant/agent) for the parcel located at 16436 50th Road (Parcel ID # 194-03-21-03-025-000) in the A-2 (General Farming and Residential II) Zoning District for a Class II collocation to install new antennas at 170 feet on an existing mobile service support structure, including associated ground equipment, for an additional carrier known as "AT&T"**

Fitzgibbon stated that the proposed update is expected to improve AT&T service in the area.

*No action was taken on this agenda item.*

- c. **Resolution 2023-29 Approving a site plan request for a Class II collocation to install new antennas at 170 feet on an existing mobile service support structure, including associated ground equipment, for an additional carrier known as "AT&T" at 16436 50th Road, Sec. 03, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-03-025- 000); Kenneth and Diane Bretl, Owner; AT&T/Matthew Fitzgibbon, Applicant/Agent**

*Motion (Geschke, Alby) to recommend adoption of Resolution 2023-29 as presented, MC.*

*Motion (Funk, S. Nelson) to accept the Planning Commission's recommendation and to adopt Resolution 2023-29 as presented, MC.*

- d. **Two Ski Services grass mowing services agreement**

McKinney noted that "trimming around mailboxes" will not be an included service. He stated that per Dombrowski's request and Shepro's recommendation, an additional termination clause be added to address termination of the agreement in the event the contractor is unable to perform the services due to death, disability, or incapacity.

*Motion (S. Nelson, Maurice) to approve the Two Ski Services grass mowing services agreement as amended with the changes presented, MC.*

- e. **Ordinance 2023-12 Amending Article III of Chapter 38 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, pertaining to driveways and culverts**

McKinney explained that the amended ordinance will limit the number of culverts the Village is responsible for reconstructing to 1 per 300 feet of road frontage; additional culverts will be the responsibility of the owner/permittee. The amendment will also limit the number of new construction driveways allowed to one per 300 feet of lot frontage unless a modification/waiver is approved.

*Motion (S. Nelson, Funk) to adopt Ordinance 2023-12, as presented, MC.*

- f. **Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on proposed revisions to Chapter 55 of the Village of Yorkville's Municipal Code of Ordinances related to wind energy facilities**

D. Nelson opened the public hearing at 6:20 p.m. Shepro stated that this ordinance is being revised to comply with WI State Statutes, Chapter PSC-128 standards. It cannot be more restrictive than PSC regulations. However, we can require several things such as informing the Village, cooperating with studies, and offering compensation agreements where applicable.

No comments were submitted either in favor of or opposed to the proposed ordinance.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:25 p.m.

- g. **Ordinance 2023-13 Repealing and recreating Chapter 55, Article XI of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, pertaining to Wind Energy Facilities update**

*Motion (Alby, Geschke) to recommend adoption of Ordinance 2023-13, as presented, MC.*

*Motion (Maurice, S. Nelson) to accept the Planning Commission's recommendation and to adopt Ordinance 2023-13, as presented, MC.*

- h. **Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on proposed revisions to Chapter 55 of the Village of Yorkville's Municipal Code of Ordinances related to solar energy facilities**

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

Pruitt stated that this also falls under PSC-128 standards, limiting the authority of political subdivisions to enact an ordinance that is more restrictive than the state statutes have in place with the PSC. We can hold certain requirements in the interest of preserving public health and safety. He provided an overview of the 3 types of solar energies addressed: 1) Solar energy as an accessory use allowed in any zoning district (requires building permit, zoning permit, Village Board and Plan Commission review and approval) 2) Large scale system <100 megawatts (requires 10-acre minimum, conditional use permit) 3) System >100 megawatts (requires Memorandum of Understanding with the Village). Pruitt highlighted other specifications. Further discussion centered on decommissioning concerns and what, if any, input the fire department has.

No comments were submitted either in favor of or opposed to the proposed ordinance.

With no other comments forthcoming, D. Nelson closed the public hearing at 6:56 p.m.

- i. **Ordinance 2023-14 Amending Exhibit A to Section 55-1(A) of the Village of Yorkville Zoning Ordinance by revising the title and division references of Article IX, creating Division 2 of Article IX entitled "Solar Energy Systems," and creating Section 20-1475 pertaining to Solar Energy Systems**

*Motion (Alby, Geschke) to recommend adoption of Ordinance 2023-14, as presented, MC.*

*Motion (Maurice, Funk) to accept the Planning Commission's recommendation and to adopt Ordinance 2023-14, as presented, MC.*

- j. **Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on proposed revisions to Chapter 56 of the Village of Yorkville's Municipal Code of Ordinances related to floodplain zoning**

D. Nelson opened the public hearing at 6:58 p.m.

Shepro stated that the proposed revisions are an effort to bring this ordinance into compliance with FEMA requirements by January 2024. Revisions will aid in enforcement and have been preliminarily approved by

the DNR. Revisions include requiring the use of FEMA floodplain maps, allowance of limited floodplain adjustments, campground RV parking restrictions in flood plains, land use permit requirements, and modification waiver processes.

Robin Christensen was neither in favor nor opposed but suggested delaying adopting this ordinance until further public review.

No other comments in favor of or opposed to the proposed ordinance.

With no other comments forthcoming, D. Nelson closed the public hearing at 7:10 p.m.

k. **Ordinance 2023-15 Amending Chapter 56 of the Code of Ordinances of the Village of Yorkville, Racine County, Wisconsin, pertaining to floodplain regulations**

*Motion (Alby, Geschke) to recommend adoption of Ordinance 2023-15, as presented, MC.*

*Motion (S. Nelson, Funk) to accept the Planning Commission's recommendation and to adopt Ordinance 2023-15, as presented, MC.*

l. **Ordinance 2023-16 Amending multiple sections of the Code of Ordinances for the Village of Yorkville, Racine County, Wisconsin, related to the duties of the Village Administrator, Village Clerk, Village Treasurer/Finance Director, Village Deputy Clerk and Village Deputy Treasurer**

McKinney stated that this ordinance enables us to amend multiple sections within the Village Code of Ordinances to reflect duty and title changes in Ordinance 2023-01 following its effective date.

*Motion (Funk, Maurice) to adopt Ordinance 2023-16, as presented, MC.*

m. **Wisconsin Department of Transportation State/Municipal Agreement Revision #2 for State-Let Local Bridge Project 2702-00-05/75 (2 Mile Road bridge over the West Branch of the Root River Canal)**

McKinney reviewed changes to construction and construction engineering costs noting that changes are 100% within the costs to be covered by federal funding and of no consequence to the Village.

*Motion (S. Nelson, Maurice) to approve Wisconsin Department of Transportation State/Municipal Agreement Revision #2 for State-Let Local Bridge Project 2702-00-05/75, as presented, MC.*

n. **Election inspector wages**

McKinney presented potential wage increase options for election inspectors. Carls recommended a higher increase for the Chief Inspector's wages based on the level of responsibility and other municipal comparisons. The increase would result in a budget increase of \$660.00.

*Motion (Funk, S. Nelson) to approve a \$1.00 per hour wage increase for Election Inspectors and a \$2.00 per hour wage increase for Chief Inspectors, effective January 1, 2024, MC.*

o. **2022 Tax Incremental District #1 financial report**

McKinney stated that this is the first required audit of the TID and gave a brief overview of the report. He explained why the report shows a negative fund balance (incurred roughly 5 million in project cost, only collected around 850,000.00 in tax increment revenues to date.) This will be paid out over time but currently treated as a negative balance. The projected year-end balance estimate is 10.8 million. The anticipated year of payoff of the TID remains 2029. He noted that the Joint Review Board approved the TID #1 financial report on November 7<sup>th</sup>.

*Motion (Maurice, Funk) to approve the 2022 Tax Incremental District #1 financial report, as presented, MC.*

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**Items P-S** concern the Yorkshire Highlands subdivision plans submitted by Diversified Land Developers LLC (with TNG 27, LLC/Raymond Leffler/Nancy Washburn as applicant/agent) for three parcels on 50th Road (Parcel ID #'s 194-03-21-01-006-040, 194-03- 21-01-006-030 and 194-03-21-01-006-010) in the A-2 (General Farming and Residential II) Zoning District for the creation of a 15-parcel cluster subdivision (plus one approximately 60.753-acre outlot) from these parcels

p. **Revised Yorkshire Highlands subdivision final plat**

Pruitt, Santiago, and Washburn reported reaching agreement on the conservation agreement. Washburn stated the final plat included SENO adding a note regarding public access to 50<sup>th</sup> Rd and timing to terminate access agreements with Mr. Thur upon road completion.

*Motion (Alby, Geschke) to recommend approval of the revised Yorkshire Highlands subdivision final plat, as presented, MC.*

*Motion (Funk, S. Nelson) to accept the Planning Commission's recommendation and to approve the revised Yorkshire Highlands subdivision final plat, as presented, MC.*

q. **Revised Yorkshire Highlands subdivision development agreement**

Discussion centered on whether the termination of easement (transfer of road ownership to the Village) occurs at the binder or final coat on the road. Based on the discussion, Pruitt will amend the language in the agreement.

*Motion (Funk, Maurice) to table the revised Yorkshire Highlands subdivision development agreement until such time as the development agreement language pertaining to easement termination relative to road completion is amended as discussed, MC.*

r. **Extension request for a rezoning application originally approved on March 8, 2021 (Ordinance 2021-02), and extended on January 9, 2023 (Ordinance 2023-01), for the rezoning of ±85 acres of land to the C-2 Upland Resource Conservation District**

McKinney recommended extending the rezoning application deadline through March 2024.

*Motion (Alby, Geschke) to recommend extending the rezoning for this development to March 1, 2024, MC.*

*Motion (Funk, S. Nelson) to accept the Planning Commission's recommendation and to extend the rezoning for this development to March 1, 2024, MC.*

s. **Extension request for a conditional use application (CUP) originally approved on March 8, 2021 (Resolution 2021-08), and extended on January 9, 2023 (Resolution 2023-04).**

Alby pointed out that a March 1<sup>st</sup> deadline may not be enough time. We discussed extending the conditional use application deadline to June 1, 2024, to allow time for physical construction to begin.

*Motion (Geschke, Alby) to recommend extending the conditional use for this development to June 1, 2024, MC.*

*Motion (Maurice, Funk) to accept the Planning Commission's recommendation and to extend the conditional use for this development to June 1, 2024, MC.*

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t. **2024 General Fund and Tax Incremental District Fund annual budgets**

McKinney stated that the Fire Department and Rescue Squad expenses had decreased, and the highway construction fund was increased by the same amount. He stated we are expecting a \$10,000 decrease in expected increments, thereby decreasing the TID budget by that amount for 2024. This will affect contributions to sewer and water funds.

*No action was taken on this agenda item.*

**5. Reports**

a. **Engineers Report**

McKinney stated that Madsen is still awaiting a 2024 road project choice.

b. **Yorkville Stormwater Utility District Report**

S. Nelson reported an agreement with the Racine County Drainage District is drafted and will be reviewed and acted upon at the next meeting.

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

d. **Village President's Report**

D. Nelson reported that the Fire Commission did not have enough votes to approve the addition of WRS or Fire Inspection Fees in the 2024 budget. A legal review of the 5-Bugles next phase proposal is in progress.

e. **Administrator/Clerk's Report**

McKinney reported receiving an email from the League of Municipalities regarding potential legislation proposing that the PSC regulate Storm Water Utilities. McKinney stated that Pruitt recommends the stormwater ordinance changes being considered, the resolution to pay for the Board of Drainage Commissioners assessment, and the agreement between the Drainage Board and Stormwater Utility all be reviewed by the Village Board as well as the Stormwater Commission.

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

Geschke inquired as to who monitors the Park N Ride; there is an RV that seems to be camped out there.

**7. Adjournment**

*Motion (S. Nelson, Maurice) to adjourn the meeting at 8:27 p.m., MC.* The next scheduled Village Board meeting is November 27, 2023, at 6:00 pm.

Respectfully submitted,

Janine Carls

Village Deputy Clerk-Treasurer