



## Village Board & Planning Commission Joint Meeting Minutes

Union Grove Municipal Center 925 15th Avenue

Monday, December 11, 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 – Tim Pruitt (Attorney), Nick Carriker (Public Works Manager), Nick Willkomm (Pine Haven Enterprises), Marty Winter and Jason Christensen (Yorkville Elementary School), Biren Patel (734 S. Sylvania Avenue), David Sands (Yorkville election official nominee), and other members of the public.

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

- |   |                                      |
|---|--------------------------------------|
| a. November 27, 2023, Village Board meeting minutes | d. Stormwater invoices               |
| b. Financial reports                                | e. Building Inspector's Report       |
| c. Village invoices                                 | f. Code Enforcement Officer's Report |

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

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

- a. Site plan request submitted by Yorkville Joint #2 School District (with Dr. Mark Rollefson as applicant/agent) for the parcel located at 18621 Washington Avenue (STH 20) (Parcel ID #'s 194-03-21-08-007-000, 194-03-21-08-020-000, 194-03-21-08-005-000, 194-03-21-08-008-000, and 194-03-21-08-011-000) in the A-2 (General Farming and Residential II) Zoning District to construct an 1,132-square foot receiving room addition, improve traffic circulation, and pavement maintenance**

Mr. Winter provided an overview of planned improvements. Pruitt noted that the plans were designed to meet DNR and Municipal Code requirements. Discussed requiring the recording of Storm Water Management and Easement agreements per Yorkville ordinances and waiving related fees.

*No action was taken on this agenda item.*

- b. Resolution 2023-32 Approving a site plan request to construct an 1,132-square foot receiving room addition, and for traffic circulation improvements and pavement maintenance at 18621 Washington Avenue (STH 20), Sec. 08, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID #'s 194-03-21-08-007-000, 194-03-21-08-020-000, 194-03-21-08-005-000, 194-03-21-08-008-000, and 194-03-21-08-011-000); Yorkville Joint #2 School District, Owner; Dr. Mark Rollefson, Applicant/Agent**

*Motion (DeGarmo, Alby) to recommend adoption of Resolution 2023-32 as amended, conditioned upon the recording of Storm Water Management and Easement agreements for which fees will be waived, MC.*

*Motion (Maurice, Funk) to accept the Planning Commission's recommendation and to adopt Resolution 2023-32 as amended, conditional upon the recording of Storm Water Management and Easement agreements for which fees will be waived, MC.*

- c. Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on a conditional use request submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 194-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts to continue a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt**

D. Nelson opened the public hearing at 6:18 p.m.

With no comments forthcoming, D. Nelson closed the public hearing at 6:20 p.m.

- d. Conditional use request submitted by Pine Haven Enterprises, LLC (with Nick Willkomm as applicant/agent) for the parcel located at 17108 County Line Road (CTH KR) (Parcel ID # 194-03-21-33-016-010) in the M-3 (Heavy Industrial) and M-4 (Quarrying) Zoning Districts to continue a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt**

Mr. Willkomm stated that they have not had any complaints regarding their operations. McKinney stated that every two years either a conditional use or site plan review is required.

*No action was taken on this agenda item.*

- e. **Resolution 2023-33 Approving a conditional use request to continue a non-metallic (clay) mining operation, including the crushing and recycling of concrete and asphalt at 17108 County Line Road (CTH KR), Sec. 33, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-33-016-010); Pine Haven Enterprises, LLC, Owner; Nick Willkomm, Applicant/Agent**

*Motion (Alby, Geschke) to recommend adoption of Resolution 2023-33 as presented, MC.*

*Motion (Funk, Maurice) to accept the Planning Commission's recommendation and to adopt Resolution 2023-33 as presented, MC.*

- f. **Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on a conditional use request submitted by 734 S. Sylvania Avenue, LLC (with Biren Patel as applicant/agent) for the parcel located at 734 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-13-010-030) in the B-3 (Commercial Service) Zoning District to convert the existing commercial building at this address into a multi-tenant building and to occupy a portion of the building with a tobacco and vape sales business**

D. Nelson opened the hearing at 6:21 p.m.

With no comments forthcoming, D. Nelson closed the public hearing at 6:24 p.m.

- g. **Conditional use request submitted by 734 S. Sylvania Avenue, LLC (with Biren Patel as applicant/agent) for the parcel located at 734 South Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-13-010-030) in the B-3 (Commercial Service) Zoning District to convert the existing commercial building at this address into a multi-tenant building and to occupy a portion of the building with a tobacco and vape sales business**

Mr. Patel indicated that the existing building has two separate entrances to be utilized, one for the Subway and one for the tobacco and vape shop. There is no plan for an addition to the existing building.

*No action was taken on this agenda item.*

- h. **Resolution 2023-34 Approving a conditional use request to convert the existing commercial building at this address into a multi-tenant building and to occupy a portion of the building with a tobacco and vape sales business at 734 South Sylvania Avenue (West Frontage Road), Sec. 13, T3N, R21E, Village of Yorkville, Racine County, Wisconsin (Parcel ID # 194-03-21-13-010-030); 734 S. Sylvania Avenue, LLC, Owner; Biren Patel, Applicant/Agent**

*Motion (Geschke, DeGarmo) to recommend adoption of Resolution 2023-34 as presented, MC.*

*Motion (S. Nelson, Bartlett) to accept the Planning Commission's recommendation and to adopt Resolution 2023-34 as presented, MC.*

- i. **2023-2024 annual Cigarette License application submitted by Biren Patel/M&B Liquor (Trade or Business Name: M&B Smoke Shop) for 734 South Sylvania Avenue (West Frontage Road)**

McKinney confirmed Mr. Patel had received the 2023 Wisconsin Act 73 information sheet sent to him, which takes effect 90 days from its effective date of December 8, 2023. Act 73 includes a requirement that electronic vaping device sales be limited to those included on the registry maintained by the DNR.

*Motion (S. Nelson, Maurice) to approve the 2023-2024 Cigarette License application for M&B Smoke Shop, MC.*

- j. **Resolution 2023-35 Approving the 2024 Racine County zoning-related Professional Services Agreement and zoning fee schedule**

McKinney stated that he had met with Racine County and requested a rate reduction. The request was denied due to behind-the-scenes tasks not covered by revenue generated by fees. There is no increase in the agreement charges or the fee schedules from 2023 to 2024.

*Motion (Bartlett, S. Nelson) to adopt Resolution 2023-35 as presented, MC.*

- k. **Resolution 2023-36 Appointing 2024-2025 election inspectors**

*Motion (Funk, Maurice) to adopt Resolution 2023-36 as presented, MC.*

- l. **Stark Pavement pay request # 2 for the 2023 58th Road paving and drainage program project**

McKinney stated that this pay request for \$22,302.22 would close out the project.

*Motion (Funk, Bartlett) to approve Stark Pavement pay request # 2 for the 2023 58<sup>th</sup> Road paving and drainage program project as presented in the amount of \$22,302.22, MC.*

**m. Command Central 2024 election hardware maintenance agreement and annual payment**

McKinney stated that this covers tech support and annual maintenance. No increase over last year.

*Motion (S. Nelson, Bartlett) to approve the Command Central 2024 election hardware maintenance agreement and \$400.00 annual payment as presented, MC.*

**n. Buelow Vetter Buikema Olson & Vliet, LLC personnel manual review legal services engagement letter**

Pruitt stated that the personnel manual still contains “Town” related language, noting the last update was in 2018. New regulations related to work-from-home and technology policies should be incorporated. McKinney stated this would be for essential updates only and noted the hourly fees.

*Motion (Maurice, Bartlett) to approve the Buelow Vetter Buikema Olson & Vliet, LLC personnel manual review legal services engagement letter as presented, MC.*

**o. Yorkshire Highlands subdivision revised development agreement 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**

Pruitt stated the revised agreement turns the road over to Yorkville for salting/plowing after the first course is completed. The final lift will be completed once the subdivision is at 80% completion. Pruitt reviewed the second letter of credit following the first-course completion and the 2-year guarantee for the final course. Yorkshire Highlands requested this be handled in this manner. Pruitt noted that all other details in the development agreement are up to date and in good order.

*Motion (Alby, DeGarmo) to recommend approval of the Yorkshire Highlands subdivision revised development agreement as presented, MC.*

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

**5. Reports**

**a. Engineers Report | No report**

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

**c. Roads/Public Works Committee Report**

Maurice and Funk noted that a recent meeting with the Racine County Highway Department went well.

**d. Village President's Report | No report**

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

McKinney stated that the tentatively scheduled Dec 27<sup>th</sup> meeting was likely to be unnecessary. He noted a rezoning request for a property on Washington Ave from R3 to A2 has been submitted.

**6. Public Comments, Questions, and Suggestions | No comments**

**7. 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 the Racine County Board of Drainage Commissioners West Branch of the Root River Canal maintenance assessment payment agreement and related issues

*Motion (S. Nelson, Bartlett) to go into CLOSED SESSION at 7:01 p.m. Roll Call - Funk, Yes; Maurice, Yes; D. Nelson, Yes; S. Nelson, Yes; Bartlett, Yes. Motion Carried.*

The Village Board discussed the Racine County Board of Drainage Commissioners West Branch of the Root River Canal maintenance assessment payment agreement 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 (S. Nelson, Funk) to reconvene into open session at 7:21 p.m., MC.*

*Motion (S. Nelson, Maurice) to approve the Racine County Board of Drainage Commissioners maintenance assessment payment agreement as presented, conditional upon the Village of Raymond's approval of the same agreement, MC.*

**8. Adjournment**

*Motion (Bartlett, Funk) to adjourn the meeting at 7:21 p.m., MC. The next scheduled Village Board meeting at the time of this submission is January 8, 2024, 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.*