



Village Board & Planning Commission Joint Meeting Minutes

Union Grove Municipal Center 925 15th Avenue

Monday, March 11, 2024

1. Village Board President, Douglas Nelson, called the meeting to order at 6:12 pm

2. Roll Call

Village Trustees	Plan Commission	Administration	Community
Douglas Nelson, President	Aaron Alby	Michael McKinney, Administrator	Kristen Swenson, T-Mobile (vial zoom)
Robert Funk	Tim DeGarmo	Janine Carls, Clerk	Marty Winter, Yorkville Elementary School
Dan Maurice	Absent: Barb Geschke	Nick Carriker, Public Works Mgr.	Brea Grace – SEH
Steve Nelson		Chris Geary, Attorney	Laurie Miller - SEH
Cory Bartlett			

3. Consent Agenda - approval of:

- a. 2/26/2024, joint Village Board & Water Commission Meeting Minutes and 2/26/24 Village Board Meeting Minutes
- b. Financial reports
- c. Village invoices
- d. Stormwater Invoices
- e. Building Inspector’s Report
- f. Code Enforcement Officer’s Report
- g. 2023-2024 Cigarette License – submitted by Ameen Khan for Smoke 94 LLC

Motion (Maurice, Funk) 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 the Racine County Agricultural Society (with T-Mobile/SMJ International, LLC/Kristen Swenson as applicant/agent) for the parcel located at 19805 Durand Avenue (STH 11) (Parcel ID # 194-03-21-31-002-000) in the A-2 (General Farming and Residential II) Zoning District for a Class II collocation to install six new antennas, six new radios, and two hybrid cables at 140 feet on an existing mobile service support structure, including associated ground equipment, for an additional carrier known as “T-Mobile**

McKinney stated that this application had previously been approved (8/8/2022) but no work had been done and it has expired. Kristen Swenson confirmed that there were no changes to the application. McKinney stated that the approval resolution this time will reflect two changes: a requirement to record with the register of deeds and updated removal bond language that requires the removal of everything belonging to the carrier (equipment and structure where applicable). Swenson confirmed that T-Mobile has no issue with the updated language in the resolution.

- b. **Resolution 2024-04 Approving the site plan request for a Class II collocation presented in 4. a. above.**

Motion (Alby/DeGarmo) to recommend approval of Resolution 2024-04, as presented, MC.

Motion (Maurice, S. Nelson) to approve Resolution 2024-04, as presented, MC.

- c. **Yorkville Joint #2 School District stormwater management maintenance agreement**

Marty Winter sought clarification on whether the school or the Village Engineer would be responsible for the inspection. McKinney stated that Pruitt’s recommendation was to keep the requirement that the Village Engineer perform the inspection, annually. Discussed the fact that the basin is dry, not wet making it a lower risk as well as the fact that it is a school district. It was also noted that if the school district does not complete the inspection, the Village retains the right to perform the inspection.

Motion (Bartlett, Maurice) to approve amending the agreement as presented (striking the requirement for the Village Engineer to perform inspections and striking the word annual), MC.

- d. **Request for a minor amendment to Condition #2 of Resolution 2023-29, approved on November 13, 2023, and entitled “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”

McKinney stated that this changes the language for bond removal to require the carrier to remove all of their equipment from the site, as discussed under agenda item 4. A) above.

Motion (S. Nelson, Maurice) to approve the amendment to Condition #2 of Resolution 2023-29, as presented, MC.

e. Solar and wind energy system ordinances, building permits, and comprehensive plan updates

McKinney stated that our ordinance currently reads that any solar energy system requires a building permit, a zoning permit, and a site plan and that all applications require a review and recommendation by the Plan Commission and approval by the Village Board. He stated that the Village Attorney and the Zoning Administrator have interpreted this differently. Discussed whether to have Long Range Planning revisit the ordinance or to keep the language requiring review of ALL solar applications. Geary recommended establishing a basis for approvals. Discussed permit fees and agreed with Pruitt’s interpretation that the fees are per application rather than per solar panel. Finally, discussed the Comprehensive Plan which does not currently include solar/wind designations. Geary recommended updating the Comprehensive Plan. Grace agreed stating that a Comprehensive Plan can support and drive where community-scale systems go. Grace noted current zoning code designations for solar are A-1, 2, and 4 and I-1. I-1 is currently referred to in our zoning code as M1, 2, 3, and 4 and should be updated at some point. Grace, noting that farmland preservation is important to Yorkville, recommended a mapping exercise to identify and designate prime soil areas and areas with clay tiles as unsuitable for solar energy systems.

No formal action was taken. All solar applications will require Plan Commission recommendation and Village Board approval according to current ordinance language.

f. Short Elliott Hendrickson professional services master agreement

McKinney stated this is a generic agreement covering the broader terms of our arrangement. Grace (SEH) stated this is updating a master agreement, last updated in 2017, with the Town of Yorkville.

Motion (S. Nelson, Bartlett) to approve the updated agreement as presented, MC.

g. Short Elliott Hendrickson 2024 planning/zoning services supplemental letter agreement

This agreement is essentially a “stand-by contract” not to exceed \$10,000. Bartlett noted this is not budgeted so each use will require budget assignment. Grace (SEH) stated that the supplemental letter agreement covers more specific tasks and is more of an on-call services agreement. If the request is about a zoning application, for example, some of the costs may be passed onto the applicant.

Motion (Bartlett, Funk) to approve the 2024 planning/zoning services supplemental letter agreement.

h. Tree removal in and adjacent to Village rights of way

McKinney opened this discussion as related to the upcoming road tour which will be keeping an eye out for dangerous trees (as defined in the nuisance code.) Discussed steps to take once dangerous trees are identified: verifying whether a tree is in the right of way or on private property; if thought to be on private property have Code Enforcement Officer confirm and send a notice of violation; if in village right of way, village to take steps to remove the tree(s).

No formal action taken on this agenda item.

i. Colony Avenue (USG 45)/Plank Road (CTH A) intersection

McKinney stated the Hansens and Moyers confirmed having been contacted about their roundabout design initially but had not heard anything recently.

Motion (S. Nelson, Bartlett) to withhold any action to amend or rescind the resolution opposing the roundabout until new plans are submitted to the Village for review.

j. Wisconsin Department of Transportation Agricultural Roads Improvement Program

McKinney gave a brief overview of this program. Discussed potential qualifying roads, pros and cons of improving them above a Class B standard, and whether any farmers would benefit as required.

No action taken on this agenda item.

5. Reports

a. Engineers Report | No report

b. Yorkville Stormwater Utility District Report

S. Nelson reported that Union Grove had lost the suit brought against the Racine County Drainage District but may appeal.

c. Roads/Public Works Committee Report

Funk stated that he had already received a crack-filling rough estimate. Mention was made for the road tour to look at shoulders on 55th and 67th. Bartlett noted that the joint road project with Union Grove on 67th DR (2025), would require a discussion with U.G. about the culvert involved soon.

d. Union Grove/Yorkville Fire Commission Report

McKinney noted that he had provided a copy of the recording from the most recent presentation, which covered finish options (metal, masonry, and pre-cast), with the Village Board and Plan Commission.

e. Village President's Report

Requested closed session meeting to contemplate UGYFD matters.

f. Clerk's Report

Carls reported that absentee ballots were mailed out and the schedule is completed for the April 2nd election.

g. Administrator

McKinney noted upcoming agenda items: possible discussion regarding road bonds (March 25), Board of Appeal review of a Yorkville Elementary School sign variance request (April 3), Long Range Planning public hearing regarding off-road vehicles (April 8), a CSM request for Fox at 1020 61st Dr (April 8), Conditional Use extensions (April 8) for Storage Authority (Hwy C, Hwy 20 locations), and Gleason's property (north of Freeway Auto Salvage). McKinney noted that there is a discrepancy between the Zoning and Land Division codes related to minimum square footage that we may want to discuss in the future, including how it may apply to "barn-dominium" homes. McKinney also noted that he had received a concern about noise coming from Echo Foods for which he recommended the complainant contact zoning. McKinney noted he was also following up on a conditional use violation at 50th and the frontage road where shipping containers were stacked more than two high.

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

7. Adjournment

Motion (Maurice, Funk) to adjourn the meeting at 8:10 p.m., MC. The next scheduled Village Board meeting at the time of this submission is March 25, 2024, at 6:00 pm.

Respectfully submitted,
Janine Carls, Village Clerk