



Village Board & Planning Commission Joint Meeting Minutes

Union Grove Municipal Center 925 15th Avenue

Monday, May 13, 2024

1. Village Board President, Douglas Nelson, called the meeting to order at 6:02 pm

2. Roll Call

Village Trustees	Plan Commission	Administration	Community
Douglas Nelson, President Robert Funk Dan Maurice Steve Nelson Cory Bartlett	Aaron Alby Tim DeGarmo Barb Geschke	Michael McKinney, Administrator Janine Carls, Clerk Nick Carriker, Public Works Mgr. Tim Pruitt, Attorney Mark Madsen, Village Engineer	Brian Tibble Kevin Lewis Anthony & Christa Fox Primitivo Reynoso Dino Tsitsis Michael Wozniak Anthony Villareal Tim Abramson Matt & Alexa Anderson Raymond & Christine Smith Stewart Maldonado And others

3. Consent Agenda - approval of:

- a. 4/22/2024, 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 Annual Operator License, Jennifer Smith

Motion (Bartlett, S. Nelson) 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 2626 Sylvania, LLC/Dragan Radeta (with EJ Equipment/Kerry LeSage as applicant/agent) for the parcel located at 2626 North Sylvania Avenue (West Frontage Road) (Parcel ID # 194-03-21-01-002-001) in the B-3 (Commercial Service) Zoning District to occupy an existing commercial building and site with a truck and truck parts, sales, and service business known as “EJ Equipment”**

Brian Tibble of EJ Equipment stated they plan to sell large service trucks and parts for those trucks.

- b. **Resolution 2024-10 Approving a site plan request to occupy an existing commercial building and site with a truck and truck parts, sales, and service business known as “EJ Equipment” at 2626 North Sylvania Avenue (West Frontage Road), Sec. 01, T3N, R21E, Village of Yorkville, Racine County, State of Wisconsin (Parcel ID # 194-03-21-01-002-001); 2626 Sylvania, LLC/Dragan Radeta, Owner; EJ Equipment/Kerry LeSage, Applicant/Agent**

Motion (Alby/DeGarmo) to recommend approval of Resolution 2024-10, as presented, MC.

Motion (Maurice/S. Nelson) to approve Resolution 2024-10, as presented, MC.

- c. **Preliminary certified survey map request submitted by Anthony and Christa Fox (with Kevin Lewis/IG Consulting, Inc. as agent) for the parcel located at 1020 61st Drive (Parcel ID # 194- 03-21-16-017-010) in the A-2 (General Farming and Residential II) Zoning District to allow for the division of this parcel into a 4.03-acre parcel and a 3.97-acre parcel, including a lot line adjustment exchanging approximately 1.55 acres of land with an adjacent parcel on 61st Drive (Parcel ID # 194-03-21-16-017-000) in the A-2 (General Farming and Residential II) Zoning District**

McKinney noted that he had included this on the agenda for two reasons: for consideration of the revised CSM and for the Village Board to consider setting a deadline for a resolution of associated zoning and building code violations. Jim and Barbara Fox do not agree to the proposed lot line adjustments in the new CSM. Discussed concerns with shared septic, shared well, non-conforming lot

shape, and obtaining building permits after the fact. Kevin Lewis stated that they will continue to look for a way forward. Plan Commission members would like to see stand-alone septic and well, a straight south lot line, and a shared driveway access agreement for a CSM to be considered for approval. In addition, owners of all parcels involved must be in agreement.

No formal action taken on this agenda item.

- d. **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 Primitivo Reynoso for the parcel located at 17019 2 Mile Road (Parcel ID # 194-03-21-04-005-000) in the A-2 (General Farming and Residential II) Zoning District to store landscaping vehicles and equipment, including one dump truck to be stored within an existing barn, associated with a landscaping business known as “Tivo’s Landscaping”**

Mr. Reynoso described that part of his business is in Racine and he needed to store some equipment elsewhere. The 2 Mile Rd location is central to his business operations.

D. Nelson opened the public hearing at 6:35 p.m. Tim Abramson, 17305 2 Mile Road, expressed concerns about noise and hours of operation; he hears trucks and trailers coming and going till after sunset. Matt Anderson, 17025 2 Mile Road, also shared concerns about numerous semi-trucks coming and going (37 vehicles on one Saturday). He questions whether the bridge on Reynoso’s property is rated for the weight of the trucks being used and if there is a risk of a hazardous material incident if the bridge collapses. He also stated that the Fire Department has been out to Reynoso’s property twice for fires thought to be out of control and the fire trucks don’t cross the bridge. He mentioned a prior issue regarding two unregistered box trucks parked by the road. Alexa Anderson, 17025 2 Mile Rd, was concerned that an approval of this request by the Board may result in additional activity of concern. Pruitt noted the existing conditional use for this property is for the storage of construction vehicles inside existing accessory structures. There is not a conditional use in place for operating a landscaping business. Mr. Reynoso stated that he does not have any quad axle trucks and his regular work hours are seven to seven. Reynoso suggested that some of the traffic noise may have been due to the construction of an arena at an adjacent property to his.

Discussed and reviewed Village ordinances related to home businesses, specifically the third-tier rural home-based businesses. *“They may not change the character of the property, they occupy or adversely affect the character of the surrounding media. Home-Based businesses may not for example, produce light noise vibration, odor parking demand or traffic impacts.”* Alby noted that the current conditional use on the property is not abided by citing the outside storage of equipment and material stockpiles. Reynoso stated that the gravel stockpile is to be spread on his driveway for repair of holes. S. Nelson and Aaron Alby voiced support the current Conditional Use Permit but not additional permitting.

D. Nelson closed the public hearing at 7:03 p.m.

- e. Conditional use request submitted by Primitivo Reynoso for the parcel located at 17019 2 Mile Road (Parcel ID # 194-03-21-04-005-000) in the A-2 (General Farming and Residential II) Zoning District to store landscaping vehicles and equipment, including one dump truck to be stored within an existing barn, associated with a landscaping business known as “Tivo’s Landscaping”

Motion (Alby, DeGarmo) to recommend denial of the conditional use request submitted by Primitivo Reynoso, MC.

Motion (S. Nelson, Funk) to deny the conditional use request submitted by Primitivo Reynoso, MC.

- f. Resolution 2024-11 Approving a conditional use request to store landscaping vehicles and equipment, including one dump truck to be stored within an existing barn, associated with a landscaping business known as “Tivo’s Landscaping” at 17019 2 Mile Road, Sec. 04, T3N, R21E, Village of Yorkville, Racine County, State of Wisconsin (Parcel ID # 194-03-21-04-005- 000); Primitivo Reynoso, Owner; Primitivo Reynoso, Applicant/Agent

No action taken on this agenda as the conditional use request was denied.

- g. **Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on noise performance standard violation complaints pertaining to the operation of Echo Lake Foods, located at 2319 Raymond Avenue (CTH U) (Parcel ID # 194- 03-21-04-060-060)**

in the M-3 (Heavy Industrial) Zoning District

Dino Tsitsis, CEO of Echo Lake Foods, stated that they want to get along with neighbors and acknowledged the frustration. He estimates that around 4 million dollars have been spent in past attempts to reduce noise. He noted that a recent study found decibels to be in an acceptable range and suggested that some of the noise may be coming from another business in the area. Mr. Tsitsis indicated that new primary (east facing) updraft fans have been purchased and will be installed soon. They intend to also replace the secondary (west facing) fans with updraft models.

Doug Nelson opened the public hearing at 7:35 p.m.

Yoab Meiri, 2628 Raymond Ave, stated that his wife Stephanie met with Gary Kitelinger of Echo Lake Foods regarding noise. He pointed out the noise study Tsitsis referred to was done on a Friday evening with only six cars in the parking lot and speculated that the westward fans were likely not running because the east ones were not overwhelmed by a shift at that time. Mr. Meiri would like to see a timeline established for the updraft fans to be installed. Mr. Tsitsis stated that a timetable would be sent to the Village via email. Christine Smith, 2436 Raymond Ave., stated that humming, intermittent noise can be heard past 2 Mile Rd, and it interferes with their sleep. She stated that the problems have been ongoing for a long time. Bartlett read a letter submitted by Paul Cantwell, 2426 Pace Court, that recommended a company for sound control solutions.

D. Nelson closed the public hearing at 7:40 p.m.

- h. Noise performance standard violation complaints pertaining to the operation of Echo Lake Foods, located at 2319 Raymond Avenue (CTH U) (Parcel ID # 194-03-21-04-060-060) in the M-3 (Heavy Industrial) Zoning District

No further discussion or action taken on this agenda item.

- i. **Public Hearing - The Village Board and Plan Commission will hold a joint public hearing to hear public comment on conditional use violation complaints pertaining to the operation of Stewart and Sons Construction, located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11- 017-003) in the A-2 (General Farming and Residential II) Zoning District**

Mr. Maldonado stated that he did not receive the original notice of violation as the address on file with Racine County is no longer valid. He heard about the hearing through a neighbor. He stated that the “lean to” was a chicken shelter which had been removed. He further stated that the dumpster on the property was for residential use only and was moved and no longer visible from the road. The concrete blocks were intended to be for branch burning, not storage of any materials.

D. Nelson opened the public hearing at 7:45 p.m.

Paul Perman, 15518 Ives Grove Rd. spoke in support of Stewart and Sons, noting that the equipment is always put away at night and the neighbor is respectful.

D. Nelson closed the public hearing at 7:46 p.m.

McKinney will follow up with Shaun Maiter at Racine County to verify all violations have been addressed.

- j. **Conditional use violation complaints pertaining to the operation of Stewart and Sons Construction, located at 15516 Ives Grove Road (Parcel ID # 194-03-21-11-017-003) in the A- 2 (General Farming and Residential II) Zoning District**

No further discussion on this agenda item and no formal action was taken.

- k. **Resolution 2024-12 Approving the acceptance of records that are required by law to be submitted in writing with written signatures as electronic documents with electronic signatures**

Motion (S. Nelson, Bartlett) to approve Resolution 2024-12, as presented, MC.

- l. **Proposed land division ordinance updates related to lot line adjustments**

McKinney stated that recently a lot line was recorded with Racine County that should not have been. The adjustment took a lot that had 150 feet of frontage and reduced it to 35 feet. McKinney is proposing consideration of an ordinance that creates an approval process for lot line adjustments going forward to ensure that they are meeting the standards of our land division code. Pruitt has drafted changes to be reviewed at the June 10th Village Board/Plan Commission meeting.

- m. **Speedy Clean Drain & Sewer drain tile inspection proposal**

McKinney stated that a proposal was submitted 5 years ago but that the work had not been completed. Speedy Clean was recommended to us and they have submitted a proposal for locating and televising 1500 to 2000 feet of drain tile on 67th Drive, at 58th Rd (beginning south of 58th on 67th and going to just north of 58th Rd.) If a jet vac is needed there may be additional cost. Discussed historical and current issues with this drain tile and the need to evaluate further. The goal is to find out if/where it is plugged.

Motion (S. Nelson, Maurice) to hire Speedy Clean Drain & Sewer, MC.

n. 2 Mile Road bridge over the West Branch of the Root River Canal

McKinney stated that Westbrook Engineers did an inspection and recommended reducing the weight limit to weight limit to 5 tons or closing it until the bridge project begins. Discussion centered on safety concerns, especially with heavy tractors, Amazon trucks and school bus traffic.

Motion (Bartlett, S. Nelson) to close the bridge, MC.

o. Proposed South Colony Avenue (USH 45)/County Line Road (CTH KR) intersection safety improvements

Discussed various options for improvements at this intersection.

Motion (S. Nelson, Maurice) to express strong opposition to the construction of a roundabout and recommend a 4-way stop, MC.

5. Reports

a. Engineers Report

Madsen stated that contracts are underway for 59th Road, the water tower access drive, and Yorkshire Highlands. An email from the Department of Transportation was received indicating that Payne and Dolan would be directed to replace the faulty asphalt on Grandview Pkwy.

b. Yorkville Stormwater Utility District Report | No report

c. Roads/Public Works Committee Report

Funk reported that Dave Mutter is working with Racine County to address a bad tile at Hwy C and 51st. Issues with Charter Communications on Old Yorkville Road (including trucks parked in the cul-de-sac and in the church parking lot, workers going beyond right of ways onto residential properties, and workers changing clothes in public) had been reported and are being addressed. Mike Kirschling reported back regarding a culvert on 67th that needs replacing noting that it is not compromising the road at this time.

d. Village President's Report

No report.

e. Clerk's Report

Carls mentioned a case going before the Wisconsin Supreme Court case regarding use of drop boxes for returning absentee ballots. Carls noted that the Village Board may wish to consider discussing opting out of extended bar closing hours during the Republican National Convention on a future agenda. She noted her graduation from Leadership Union Grove and indicated that Geschke had recommended a person for potential sponsorship if Carriker was not interested.

f. Administrator

McKinney stated that John Holloway's (Paris) would be at the next Long-Range Planning meeting to provide some updates on how solar is going in Paris and potential future ordinance considerations.

6. Public Comments, Questions, and Suggestions

No comments

7. 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 and issues related thereto.

Motion (S. Nelson, Bartlett) to ENTER INTO CLOSED SESSION at 8:44 pm. Roll Call - DeGarmo, Yes; Alby, Yes; Funk, Yes; Maurice, Yes; D. Nelson, Yes; S. Nelson, Yes; Bartlett, Yes; Geshke, Yes. Motion Carried.

Discussed Union Grove/Yorkville Fire Department and issues related thereto.

Motion (S. Nelson, Bartlett) to RECONVENE INTO OPEN SESSION at 9:17 pm., MC.

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, Maurice) to move ahead with the legal description for 10 acres, appraisal agreements, and a resolution of necessity. R Funk abstained from the vote. MC.

8. Adjournment

Motion (S. Nelson, Funk) to adjourn the meeting at 9:18 p.m., MC. The next scheduled Village Board meeting at the time of this submission is May 28, 2024, at 6:00 pm.

Respectfully submitted,
Janine Carls, Village Clerk

* 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.