

TOWN BOARD MEETING – AUGUST 23, 2010

On Monday, August 23, 2010, the Town Board of the Town of Raymond held their regular meeting. The meeting was called to order at 7:30 PM. The Pledge of Allegiance was recited. Roll call was taken as follows: Present were, Chairman Gary Kastenson; Supervisors, Dave Lecus; Kevin Cantwell; and James Phillips. Supervisor Paul Ryan was out of Town. Also present were: Town Clerk, Linda M. Terry; Town Treasurer, Lee Marie Toll; and Fire/Rescue Chief, Alan Babe.

The Treasurer’s Report was read as follows:

COMMUNITY STATE BANK - GENERAL CHECKING BEGINNING BALANCE:		\$10,709.24
Deposits:	2,962.47	
Transfers in:	\$36,314.38	
Interest Earned		
Miscellaneous Credits		
Correcting Journal Entries made	\$255.56	
TOTAL DEPOSITS:		\$39,532.41
Disbursements:	(\$40,730.09)	
Transfers out:	(\$546.73)	
Bank Charges & Miscellaneous Deductions		
TOTAL DISBURSEMENTS:		(\$41,276.82)
ENDING BALANCE:		\$8,964.83
OTHER ACCOUNTS:		
UNRESTRICTED		
COMMUNITY STATE BANK - MONEY MARKET		\$25,382.05
STATE LGIP FUNDS - TAX INVESTMENT		\$19,137.57
TOTAL UNRESTRICTED FUNDS		\$44,519.62
RESTRICTED		
COMMUNITY STATE BANK - BOND ESCROW		\$68,269.21
COMMUNITY STATE BANK - STORM WATER UTILITY		\$125,617.16
STATE LGIP FUNDS - BOND ESCROW		\$20,224.64
STATE LGIP FUNDS -CEMETERY		\$14,300.77
STATE LGIP FUNDS - MUNICIPAL		\$15,826.36
STATE LGIP FUNDS - LAND		\$22,788.26
STATE LGIP FUNDS - RJM LLC ASPHALT		\$32,348.21
STATE LGIP FUNDS - STONE CREEK CROSSING		\$175,765.17
TOTAL RESTRICTED FUNDS		\$475,139.78
ALL TOWN BANK ACCOUNTS		\$528,624.23

The Treasurer’s Report was **APPROVED ON A LECUS/PHILLIPS MOTION. MOTION CARRIED 4-0.**

Treasurer Toll stated that she had received the sum of \$245,867.92, which is the Town’s share of the second installment of tax payments. This was deposited on Sunday evening; this treasurer’s report does not reflect that inclusion.

Bills paid from August 10 – August 20, in the amount of \$40,730.09 were **APPROVED ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.**

Minutes from previous meeting of August 9, 2010, were **APPROVED ON A LECUS/PHILLIPS MOTION. MOTION CARRIED 4-0.**

SET AGENDA

At this time, Chairman Kastenson stated that #2 under Town Business would be moved to right below Fire/Rescue Business.

Supervisor Lecus said that, after discussions with the Town Counsel, he would move to remove item #6 from the Town's Agenda.

Supervisor Phillips asked for clarification, as he is the Supervisor that added #6 to the agenda.

Supervisor Lecus stated that about a year and a half ago, there was a meeting wherein the Town Attorney advised not discussing issues that may lead to litigation.

Supervisor Phillips said that his concern is that this matter with Mr. Pohlhammer is still costing the Town a great deal of money. It is his intent to put a close to this matter.

Chairman Kastenson stated that he had received a telephone call from the Town's Attorney, and he suggested that this matter be taken off of the agenda.

Supervisor Phillips said that if it is going to be taken off of this agenda, then there should be no further discussions regarding this matter at all.

MOTION TO REMOVE #6 FROM THE AGENDA, MADE ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.

SHERIFF'S REPORT: NONE

FIRE/RESCUE BUSINESS:

1. Communications and Announcements:

**Chief Alan Babe informed the Board that Mike Kempken, is a fire fighter with the Rochester Department. His daughter has been diagnosed with esophageal cancer. There will be a fundraiser for her on September 18, 2010, at the Cotton Exchange Restaurant.

**The 2010 Fill the Boot will take place of Labor Day Weekend at Highway "K" and I94; 7 Mile Road and I94; and Highways "45" and "K".

**September 22nd we will be hosting the Tri-County Chaplain's Meeting.

**The Town no longer has Badger Billing – we have changed to Life Quest for Rescue Billing.

**The Town is part of Division 102, and we will be sending a task force of two people and the Town's Rescue Squad to a training in Chicago. The Town will be reimbursed at the rate of \$19.52 per hour – this will more than cover the wages.

STORM WATER UTILITY DISTRICT BUSINESS:

PLAN COMMISSION BUSINESS:

1. Conditions and Restrictions Ordinance: Discussion/Review/Possible Decision: (Previously tabled):

Mr. Royce DeBow, from the Wisconsin Realtor's Association was present for the meeting. He has some concerns regarding this proposed ordinance. He said there are other remedies to get residents to pay back-taxes and/or fines. By denying a permit, that may be denying them their municipal services. He would ask that the Board consider tabling this matter and ask that the Town Attorney look into this matter.

Mr. DeBow will draft his concerns and email them to the Town Clerk – she will then forward them on to the Town's Attorney.

TABLE UNTIL FURTHER INFORMATION IS RECEIVED, MADE ON A LECUS/PHILLIPS MOTION. MOTION CARRIED 4-0.

2. Discussion/Decision on Pond Permit – Frederick R. Cross; 4371-108th Street: Request to deepen pond by six feet and enlarge the south one-half of the pond by 40 feet:

Mr. Cross was present for the meeting.

It was stated that he will be keeping the existing soil on the property.

There were conditions from the Town's Engineer on this matter, but were unavailable for the meeting. **Since the meeting date, the Town has the restrictions from RA Smith and they are as follows:**

- 1. A minimum side slope ratio for sides of the pond should be kept to a 4 to 1 slope for safety and maintenance purposes:**
- 2. Drain tiles disturbed during grading or excavation must be re-routed or repaired. Unobstructed access must be maintained to all existing drain tiles or culverts.**

It was stated that Mr. Cross has met with the Town's Engineers and he is aware of the conditions and has no problem with them.

APPROVE POND PERMIT WITH ENGINEER'S CONDITIONS, MADE ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.

TOWN BUSINESS:

1. Update/Possible Decision on Yenter Property/Chris Stamborski: (previously tabled)

Mr. Stamborski stated that work continues on the site. The drain tile is finished and the dredging is being done. The project is not finished.

Chairman Kastenson stated that he did have a talk with the neighbor. He would like Mr. Stamborski to put in a grade stake on the North side of the pond. He would like to see black dirt.

Mr. Stamborski will drop off a set of the plans and put in a grade stake.

Supervisor Cantwell asked when was the last time that Mr. Yenter made payment to the Town for engineering fees?

Mr. Yenter was unsure of when he paid last; he also stated that he would like some sort of payment plan with the Town.

Supervisor Phillips stated that at the last meeting, we indicated that there would be no more extension. We have an agreement between the Board and the resident that this should be done.

Chairman Kastenson stated that as long as such progress is being made, he doesn't have a problem with another extension.

Supervisor Lecus said that the Town needs to allow him to finish his job; however, he should be making payments.

Supervisor Phillips asked if the Town extends this again, will we have some sort of benchmark?

Mr. Stamborski stated that the permit that was given for the soil disturbance will be expiring soon. There is a definite end-point.

Again, Supervisor Cantwell would like to see some payment made for the fees the Town has incurred.

TABLE THIS MATTER UNTIL THE NEXT TOWN BOARD MEETING, MADE ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.

Supervisor Phillips asked if the Town will be requiring that a payment is made?

Supervisor Cantwell would like a good faith payment of \$200.00 or \$300.00 be made.

2. Discussion/Possible Decision regarding contracting with Gordon J. Maier & Associates, for the Town's 2010 Audit:

Ms. Julie Craig, from Gordon J. Maier & Associates, was present for the meeting. She stated that she has spoken with the Clerk and the Treasurer about the Town changing over to a modified cash basis for its accounting needs. There is no need for a Municipality the size of Raymond to be using the accrual method.

Treasurer Toll stated that the current staff doesn't have the accrual accounting experience. By changing to modified cash basis, this will streamline the audit.

Ms. Craig said that the normal turn-around for the audit is 4-6 weeks. Her rate is \$125.00 an hour.

Supervisor Cantwell stated that figure is about one-half of what the Town paid in the past. Ms. Craig also stated that she would encourage the office staff to call her during the year if there are any questions; she does not charge for telephone calls lasting less than 15 minutes, and would rather deal with the problems as they occur, rather than all at one time.

APPROVE GORDON J. MAIER TO HANDLE THE TOWN'S 2010 AUDIT, MADE ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.

3. Discussion/Possible Decision regarding 7-Mile Road Culvert & Tile:

Chairman Kastenson stated that the Town did dig it open; there are two tiles under the road. The Town will need to put the tile back in place. He suggested that possibly the Storm Water Utility District had some money in which to pay for this project.

Supervisor Phillips said that the Storm Water Utility District budget is very tight.

Chairman Kastenson would like the Board's approval to have RA Smith go on to the property and see what needs to be done.

Supervisor Lecus said that the blockage is under the road.

Supervisor Phillips stated that prior to him being on the Board, the Board spoke of what size tiles the Town should be responsible for. What responsibility will the Town be taking on? Also, what is the Town's responsibility to the adjoining tiles? If we alter any tiles, we may be responsible for them.

It was stated that the tile under seven mile road is plugged and that is the Town's responsibility.

Mr. Stamborski stated that it would cost a few hundred dollars for the engineer to look at this.

Supervisor Phillips asked if these would be appropriate size tiles?

Chairman Kastenson said those are the size tiles that run through Stone Creek.

ALLOW RA SMITH TO SPEC OUT THIS PROJECT AND POSSIBLE A CATCH BASIN OR STAND PIPE TO BE INSTALLED, MADE ON A PHILLIPS/CANTWELL MOTION. MOTION CARRIED 4-0.

4. Discussion/Possible Decision regarding crack sealing:

Chairman Kastenson felt no reason to be bidding this project out. It is under the \$25000.00 amount, and Fahrner already rates the roads for the Town.

AUTHORIZE THE CRACK SEALING TO BE DONE AT A COST NOT TO EXCEED \$20,000.00, MADE ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.

5. Discussion/Possible Decision regarding Resolution #2010-07 for the approval of the proposed Landfill Agreement approved by the Negotiating Committee pursuant to Chapter 289 of the Wisconsin Statutes:

Mr. Stan Bugnacki spoke regarding the Resolution. He stated that the Town will be receiving some money in September and then again, in January. This money is for tipping fees paid to the Town. He also stated that within 30 days of signing this Resolution, the Town will be receiving their reimbursement check for attorney fees.

ADOPT RESOLUTION #2010-07, MADE ON A LECUS/CANTWELL MOTION. MOTION CARRIED 4-0.

6. Discussion/Possible Decision regarding K Custom Homes/Pohlhammer on the following – a. Recertification of pond, b. Correction to spillway, c. Water volume change, d. Close issue:

THIS WAS TAKEN OFF OF THE AGENDA EARLIER.

7. Public Comment – Discussion of any matter raised by the Public:

Ms. Sharon Korponai asked if the Town looks into the potholes on Town roads?

She was informed that if she sees a pothole, she should contact the Town's Highway Department.

Mr. Pohlhammer would like the minutes from the last meeting to reflect that he stated that Custom Homes had presented a plan to the Town for additional homes to the property (5 total lots), and that Chairman Kastenson said that would not be legal. He also said that it was mentioned that the

developer offered to build a berm and waterway on his property, and yes, he did deny it because the developer was going to put in 4 – 5 homes.

Mr. Joe Pohlhammer stated that Stone Creek Crossing has an as-built drawing showing that the tiles head South and go up three feet in elevation. Pete Wood, from the DNR, checked this.

Supervisor Phillips stated that Mr. Pohlhammer will need to talk to the Town Attorney about this. This is a legal issue.

Mr. Ray Vogt said that he is under no Order of the DNR to stop work on his property.

Mr. Roy Gerschwiler stated that the culverts in the new driveways next to his home are not big enough. The culverts need to be made bigger.

**At 9:10 PM, the meeting was ADJOURNED ON A LECUS/CANTWELL MOTION.
MOTION CARRIED 4-0.**

Respectfully submitted,

*Linda M. Terry
Town Clerk
Town of Raymond*