Town of Raymond Town Board
Closed Session Meeting
December 14, 2009

1.) **Roll Call:** Chairman Gary Kastenson called the closed session meeting to order at 6:50p.m. Present were Spvrs. Dave Lecus, Kevin Cantwell, and Paul Ryan. Also present was Clerk Kari Morgan, Fire & Rescue Chief Alan Babe for agenda items 3 and 4 and Treasurer Lee Toll for agenda items 6 and 7.
2.) **Open Session:** Spvr. Lecus moved, seconded by Spvr. Ryan to move to closed session pursuant to s. 19.85(1)(c) to discuss employment expectations for Fire & Rescue Dept. Chief for 2010-2012 term. Roll call for support of motion: Ch. Kastenson – aye; Spvr. Lecus – aye; Spvr. Cantwell – aye; Spvr. Ryan – aye. Roll call for support of motion carried 4/0.
3.) **Closed Session:** The board reviewed the only application received for the 2010-2012 term for the Fire & Rescue Chief and discussed employment expectations with the current Chief.
4.) **Reconvene into Open Session:** Spvr. Lecus moved, seconded by Spvr. Ryan to reconvene to open session, carried 4/0. Spvr. Lecus moved, seconded by Spvr. Ryan to re-appoint Alan Babe to the 2010-2012 term for the Fire & Rescue Chief position, carried 4/0.
5.) **Open Session:** Spvr. Lecus moved, seconded by Spvr. Ryan to move to closed session pursuant to s. 19.85 (1)(c)(e) & (f) Wis. Stats. for the purpose of the 60 day review of the Town Treasurer Position. Roll call for support of motion: Ch. Kastenson – aye; Spvr. Lecus – aye; Spvr. Cantwell – aye; Spvr. Ryan – aye. Roll call for support of motion carried 4/0.
6.) **Closed Session:** The board conducted the 60 day review with the Town of Raymond Treasurer.
7.) **Reconvene into Open Session:** Spvr. Lecus moved, seconded by Spvr. Ryan to reconvene to open session, carried 4/0. Spvr. Lecus moved, seconded by Spvr. Ryan to conduct an additional review of the treasurer's position during the last meeting in February, carried 4/0.

Town of Raymond Town Board
Regular Meeting Minutes
December 14, 2009

1.) **Roll Call**: As done at previously held closed session meeting. Also present was Engineer Chris Stamborski of R.A. Smith National and approximately ten (10) residents.
2.) **Payment of Bills**: Paid for and authorized in the amount of $56,891.27
3.) **Treasurer's Report**: Presented by Treasurer Lee Toll as follows:
General: $18,057.67; Money Market: $38,379.16; Tax Investment: $19,111.09; Community State Bank Bond Escrow: $76,984.50; Stormwater Utility: $241,555.40; LGIP Bond Escrow: $20,196.66; Cemetery: $14,280.99; Reserve (Equipment): $15,804.45; Reserve (Land): $22,756.73; RJM LLC Asphalt:

$32,303.46; Stone Creek Crossing: $175,522.00. Spvr. Lecus moved, seconded by Spvr. Ryan to approve as presented, carried 4/0.

4.) **Minutes of Previous Meeting: November 23, 2009:** Spvr. Lecus moved, seconded by Spvr. Ryan to approve the minutes as presented, carried 4/0.

5.) **Set Agenda:** No changes.

6.) **Sheriff's Report:** None.

7.) **Fire Department:**

   a. **Correspondence:** None.

8.) **Stormwater Utility District Commission**

   a. **Discussion/Possible Decision on tile/stream improvement on town/reichel property:** Stormwater Utility District Commissioner John Strueder mentioned Everyone on the board has looked at the site. Spvr. Ryan requested John Strueder update everyone on this proposed project. Commissioner Strueder stated that there is a 24 inch tile behind the town hall. To replace the tile, the cost will be $14.95\ft. and the double walled is $15.50 per foot and they do not need the connectors. At 1,100ft, the cost of the material would be about $17,500. He has received one quote which has come in at about $2,000 to lay it, so the total cost of the project would be about $19,000. Spvr. Ryan asked if the Reichels' have been informed. Mrs. Reichel was present and was informed. Spvr. Ryan stated that since the stormwater utility does projects based on recommendations by the board, they wanted to start here. He explained that it is a unique situation because part of it is on town property and part of it is on private property. Spvr. Ryan stated that there was some deterioration or re-routing of the stream bed because of the additional water there. He also mentioned that the commission's general budget is going to have an excess of about $40,000 for additional projects. Spvr. Ryan explained that the question is when the district takes care of private property that is adjacent to a town owned pipe. Ch. Kastenson explained that the district is going to do the main channel of the root river project and his concern is what happens if they run into an issue where the cost is greater than what is budgeted. Spvr. Ryan explained that they have spent basically nothing on the 2009 budget for real project expenses. He also mentioned that the bid for the west branch of the root river was $92,000 and the budget was originally $180,000. Spvr. Ryan stated the district should be well within the cost to conduct this project. Engineer Stamborski explained that by early January they should have an estimate as to what it will cost to do the east branch of the root river next year. Engineer Stamborski stated that the costs should be similar. Ch. Kastenson stated that he would like to see this issue held over until the town obtains firm numbers on the east branch and by that time the west branch should be pretty much done, so they will know how much money they have left for this type of project. Spvr. Cantwell moved, seconded by Spvr. Lecus to hold this issue over until the second regular meeting in March. Motion carried 4/0.

9.) Ordinances & Resolutions

a. **Discussion/First Reading of Ord. 2009-09 titled "An Ordinance to Create Division III of Chapter 2, Article III of the Town of Raymond Municipal Code Regarding the Town Administrator/Clerk:** Ch. Kastenson stated that everything in this document is what the clerk is already doing. He also stated that the things that are being done as the clerk are above and beyond what a town clerk does, so the position change is necessary. Spvr. Ryan stated that what Atty. Riffle wrote up is what the board requested. Spvr. Ryan moved, seconded by Spvr. Lecus to do the first reading by title only, carried 4/0. Ch. Kastenson read the ordinance by title only. Spvr. Ryan moved, seconded by Spvr. Lecus to approve the first reading of ordinance 2009-09 as read, carried 4/0.

10.) New Business

a. **Discussion/Input/Possible Decision on Shoreland Contract for 3409 W. 8 Mile Rd. – Timothy Walker & Kimberly Wilke:** Engineer Stamborski explained that the shoreland contract was applied for and that he did complete a review. He stated that this project is not affecting drainage patterns, but one thing that he noted is that they do have culverts installed across a gravel driveway and they would want the sizing of the two culvert pipes to be forwarded to the town. Other than the culvert sizing information, Engineer Stamborski had no real comments or concerns. Spvr. Ryan questioned if they are far enough out of this floodplain so that if they have another event like last year's rain they will not be affected. Engineer Stamborski stated that he cannot say that it would never flood, but based on the county's maps, they are out of the area. Spvr. Ryan moved, seconded by Spvr. Lecus to approve the shoreland contract with R.A. Smith's recommendations to the county, carried 4/0.

b. **Discussion/Possible Decision on Protocol for "Spectacular Use" Applications along I-94 Corridor:** Spvr. Lecus moved, seconded by Spvr. Ryan to approve the spectacular use protocol and to direct Atty. Riffle to send it over to the Village of Caledonia, carried 4/0.

c. **Discussion/Possible Decision on Kendall & Catherine McCann, 2453 Waukesha Rd. – Necessary building permits and possible land disturbance permit:** Mr. and Mrs. McCann were present. Mrs. McCann questioned where the town's building inspector lives and if he checks out the Town of Raymond for possible buildings put up. She stated that they moved 15 years ago to their current home and with that they brought a shed over from there other property which was also located in Raymond. She explained that the building inspector now wants them to obtain another permit on 5 mile and Waukesha road for the shed that was moved 15 years ago. Ch. Kastenson read through the list from the County and explained that they did not obtain permits for a 10x12 building, a 4x10 and a 4x8 shed, a pool and a deck. Mrs. McCann questioned that why after so many years the building inspector is requiring them to pull permits. Mr.

McCann stated that five or six years ago they put the two smaller buildings up. Mrs. McCann questioned the timeline for the rules for the minimum size of buildings requiring permits. The board stated that the current rule has been on the books for 10-12 years. Mr. McCann stated that he was under the understanding that they do not have to be permitted because they are under a specific size. Mrs. McCann questioned the building inspector what brought this to the county's attention and he stated that he did not know. She then contacted the county and they were told by Lee Greivell to look into this property. She doesn't think he was very professional with her. She went in asking questions and she ended up pretty upset by the things that he had said to her. Ch. Kastenson questioned how long the pool and deck had been there. Mr. McCann stated that they have been there for fifteen years and they were told by the town at that time that they did not need a permit for them. She said that the building inspector was very unprofessional. She stated that she had questioned the inspector about putting up a berm to put a couple of trees up. She was informed by the inspector that she could not have more than a foot and if she already had one, she would have to rip it out. Spvr. Ryan questioned if there is electric in any of the sheds. The McCann's replied that there was not. Spvr. Lecus moved, seconded by Spvr. Ryan to dismiss permits for everything since it has been 15 years, carried 4/0.

d. **Review/Adoption of Architectural Standards for I-94 Corridor:** Spvr. Ryan moved, seconded by Spvr. Cantwell to approve the I-94 corridor architectural standards, carried 4/0.

e. **Discussion/Review of Sewer Transport Agreement:** Spvr. Lecus moved, seconded by Spvr. Cantwell to hold this issue over until the December 28, 2009 meeting per Atty. Riffle's request, carried 4/0.

f. **Discussion/Review of I-94 Regional Interceptor Facility Plan:** Engineer Stamborski stated that Caledonia did send a letter over stating that as part of their planning process they need to pin down what Raymond is planning on contributing. Raymond has to pick which flow they would like. Engineer Stamborski explained that both Atty. Riffle and he feel that a medium flow level will suit the Town of Raymond just fine. He stated that the town needs to move forward in deciding what level they want to see. The letter did ask that the town to respond back to Caledonia on what both their 20 and 50 year flow projections are. Spvr. Lecus moved, seconded by Spvr. Ryan to go with the medium flow. Spvr. Cantwell questioned if they need to make a decision at this time on the other issues. Engineer Stamborski stated that they will have to decide on one or two connection points prior to the response to Caledonia. Schedule mtg. with Atty. Riffle re: connection points. Motion carried 4/0.

g. **Discussion/Possible Decision on Scheduling Mtg. w/Bob Flasz, 10000 W. 3 Mile Rd. to discuss unpaid legal/engineering invoices:** Ch. Kastenson explained that Mr. Flasz does not agree with some of the charges made by the town's attorney. Mr. Flasz wanted a meeting with just Ch. Kastenson, but Ch. Kastenson explained that he informed Mr.

Flasz that he would like the entire board in a meeting. Spvr. Cantwell stated that when he spoke with Mr. Flasz for over two hours on the phone, Mr. Flasz informed him that he wanted to meet with the entire board and not just one board member. Mr. Flasz stated that when this meeting was first called, he wanted to know if either of them could approve or resolve this issue at the time, but was informed that the entire board had to make the decision. He stated that rather than have several meetings, he would like to resolve this issue. There is a lot of conflicting correspondence. Spvr. Cantwell questioned Mr. Flasz how he has responded to the letter that was sent to him by Clerk Morgan a few weeks back. Spvr. Cantwell explained that when he and Mr. Flasz spoke on the phone, Mr. Flasz agreed he was responsible for at least $3,000. Mr. Flasz stated that he would like to get a meeting set up with the board to discuss the issues. Spvr. Ryan stated that this is why they wanted Mr. Flasz to meet with Spvr. Cantwell, Clerk Morgan and Accountant Gina Vanderheyden and that did not happen. Mr. Flasz questioned if Spvr. Ryan told him that Spvr. Cantwell had the authority to talk to the town. Mr. Flasz is requesting a meeting with the entire board to discuss these issues and is ready to lay out all the issues in a very efficient manner. Ch. Kastenson suggested a meeting prior to the December 28th meeting and to give Mr. Flasz a half of an hour to present what he has. Spvr. Cantwell questioned if he has anything new from when they talked on the phone. Mr. Flasz stated that he believes he does. Mr. Flasz stated that when he had his conversation with Spvr. Cantwell, he did not have all of his paperwork in order and he does have a lot of conflicting information and does not feel it is an open and shut issue. Spvr. Ryan questioned if the letter stated that this would be put on his tax bill if he did not pay it. Mr. Flasz stated that he spoke to Ch. Kastenson about this issue and then the next day received a letter from the town clerk regarding the same issue. He informed Ch. Kastenson that he would be out of town and him and Ch. Kastenson had an understanding that when he got back they would discuss this issue. Spvr. Cantwell questioned why Mr. Flasz did not contact him since he was aware that he was the appointed board member to handle this issue. Spvr. Ryan stated that the Clerk's office went back through the bills very thoroughly to get the information to him. Mr. Flasz explained that he is trying to get a resolution and wants to have the opportunity to present to the board collectively as to what is owed to the town. Spvr. Cantwell stated that the bill is already bottom lined and Mr. Flasz has already admitted to him that he feels he owes $3,000. Spvr. Lecus moved, seconded by Spvr. Ryan not to have another meeting with Mr. Flasz. Spvr. Lecus called a "point of order." Ch. Kastenson stated that he feels Mr. Flasz should have an opportunity to discuss the issue with the board. Ch. Kastenson stated that Mr. Flasz did want to speak with him one on one and he would not do that. Spvr. Cantwell stated that the only way he would be ok with having another meeting is if Mr. Flasz would provide the board with his arguments ahead of time, the board could read through

it and then come to a resolution – a final one, otherwise he has no desire to continue. Spvr. Cantwell stated that he wants to read his arguments prior to the meeting so the board can review them and will know exactly what he said. Mr. Flasz stated that this is fine, but he would rather have the meeting date extended to January 11, 2009. Spvr. Lecus stated that the bills are still going to be there and questioned if it is up to the town to foot the bills. Spvr. Lecus questioned the statute of limitations and if Mr. Flasz would agree to pay if they are exhausted prior to any meetings with him. Mr. Flasz questioned why his checks were never cashed. Spvr. Lecus stated that they were never cashed because the submittals were incomplete according to the town's attorney. Spvr. Lecus "called the motion." Motion 2/2 – dies for lack of support. Spvr. Cantwell moved that arguments previously be received in written form and then the board will meet amongst themselves to discuss the issues without Mr. Flasz. Ch. Kastenson seconded for discussion purposes. Spvr. Lecus stated that this has been discussed many times and they agreed on the billings and now here they are. Mr. Flasz questioned who agreed on the billings? Ch. Kastenson stated that he feels Mr. Flasz should be present to answer questions in case there is a misunderstanding so that they could question as to what is meant by it – that is why he would want him present. Spvr. Cantwell stated that he thinks that since Mr. Flasz has been working on this diligently that he shouldn't need a month to get this together. Spvr. Cantwell would like the meeting as soon as possible. Mr. Flasz stated that it is obvious that everyone does not understand the sequence of events or timeline of what has transpired here and he wishes they would understand the fact that he is trying to resolve this but it is not all of his problem. He stated that they can do whatever they want to do because it is obvious that they are not going to give him a fair judgment. Spvr. Cantwell stated that he has given him two hours on the phone and from what he understands, he should pay the bill. Spvr. Lecus "called the motion" Motion opposed 2/2. Spvrs. Lecus and Ryan opposed. Spvr. Cantwell recalled the first motion to deny Mr. Flasz a meeting, seconded by Spvr. Ryan. Spvr. Lecus "called the motion." Motion carried 3/1. Ch. Kastenson opposed.

h. **Discussion/Approval of Addendum to Development Agreement for transfers of ownership in K Custom Homes Development:** Mike Dillworth and Jody Dillworth would like to transfer ownership entirely to them for the development. Spvr. Ryan moved, seconded by Spvr. Lecus to approve the addendum with the additional revisions to paragraph C only. Motion carried 4/0.

i. **Discussion/Update on Re-addressing homes for DOT Project:** Spvr. Lecus moved, seconded by Spvr. Ryan to hold over to the December 28th meeting, carried 4/0.

Unfinished Business:

j. **Review/Discussion on Letter Received from David Berka, 4741 5 Mile Rd., Re: Engineering Reimbursement:** Engineer Stamborski provided the board with an e-mail on his reasoning behind the billing. He has not

spoken to Mr. Berka since he submitted this letter to the town. Spvr. Lecus moved, seconded by Spvr. Cantwell to send Engineer Stamborski's response to Mr. Berka, carried 4/0.

11.) **Public Comment:** Resident Bob Flasz of 10000 W. 3 Mile Rd. stated that it is depressing and demoralizing that they have chosen not to allow him to present his case and he feels the board is obviously unaware of the events and feels the board needs to explore their moral conscious and needs to understand they work for the town's people. He thinks at this point to make a decision like this without understanding all the facts that they are doing this town an injustice. He stated that they need to take a look at themselves and understand that they are working for them and their day will come. Resident Greg Michel of 3518 Hwy. K discussed the information he just received regarding a rezone on Time Transport. He stated that he does not feel this should be rezoned from B-3 to B-5. Clerk Morgan informed him that this will be discussed at the December 28, 2009 planning commission meeting. Resident Joe Pohlhammer, 2135 S. 76th St. questioned how they can transfer ownership on a key development without the issues not being resolved. He stated that he thought he would have the right to know what will be done. He stated that he received a letter from the town attorney and they did not say the issues were not legitimate issues and they do need to be addressed. He wants a letter from the town as to what will be done to resolve the issues. He stated that they are trespassing onto his property with the water. Resident Stan Bugnacki stated that the recycling center was closed last week Wednesday because of the storm and when he contacted Waste Management, they were closed that day. He contacted them to inform them that they are responsible for cleaning this area up and they have not done anything. He would like the board's permission to push Waste Management to find out what is going on. A consensus of the board agreed to allow Stan Bugnacki to pressure Waste Management to plow the snow and maintain this area.

12.) **Communication & Announcements:** None.

13.) **Adjournment:** Spvr. Ryan moved, seconded by Spvr. Lecus to adjourn, carried 4/0. Meeting adjourned at 8:53p.m.

Respectfully Submitted,

Kari D.L. Morgan

Kari D.L. Morgan, Town Clerk

F: Minutes/2009/12.14.09