

SPECIAL MEETING & JOINT MEETING – APRIL 20, 2010

The Town Board of the Town of Raymond held a Special Meeting on April 20, 2010. Chairman Kastenson called the meeting to order at 7:00 PM. Roll call was taken as follows: Present for the meeting were: Chairman Gary Kastenson; Supervisors, Paul Ryan; Kevin Cantwell and James Phillips. Absent was Supervisor Dave Lecus. At that time, the Board moved to closed session pursuant to Wisconsin State Statutes Section 19.85(c), for considering employment, promotion, compensation or performance evaluation of any public employee over which the governmental body has jurisdiction or exercises responsibility, regarding Town Hall office operation, **MADE ON A RYAN/CANTWELL MOTION. Roll call vote take – MOTION CARRIED 4-0.**

After discussion regarding the above, at 7:25, the Board reconvened to open session on a **RYAN/PHILLIPS MOTION. MOTION CARRIED 4-0.**

At this time, the Board moved to their Special Joint Meeting with the Plan Commission.

The meeting was called to order at 7:30. Chairman Kastenson stated that the Town Board roll was taken prior to the Closed session as follows: Present – Chairman Gary Kastenson; Supervisors, Paul Ryan, Kevin Cantwell and James Phillips. Supervisor Dave Lecus was absent.

Plan Commission Members present for this special meeting were: Chairman Art Binhack; Members, Gary Boldt, Joe Strueder, Mike Sinda, Harold Strohmeier and Alan Babe. Also present were Town Clerk, Linda Terry, and Town Engineer, Chris Stamborski, from RA Smith.

- 1. Discussion/Possible Decision regarding Adopting Resolution #2010-04 – a Resolution to change the date of pay for Town Employees and Officials: (Town Board Action)**

APPROVED ON A RYAN/CANTWELL MOTION. MOTION CARRIED 4-0.

- 2. Discussion/Possible Decision regarding hiring part-time employee for grass cutting: (Town Board Action)**

Chairman Kastenson stated that this has been done in the past. The person that the Town hires will not receive over 500 hours.

Clerk Terry asked if this was something that the Board would like to post.

Chairman Kastenson said that the Town would do as it has done in the past.

MOTION TO APPROVE THE HIRING OF A PART-TIME EMPLOYEE FOR GRASS CUTTING, MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 4-0.

- 3. Discussion/Possible Decision regarding possible filling violation at 599 Shirley Drive: (Joint Action)**

Mr. Jerry Krause was present for the meeting. He stated that he has filed a complaint with the Town regarding a flooding situation. He has tried to talk to the neighbors for four years, but to no avail. He brought pictures for the Board members to look at that included showing cattails that were cut down; a topographical map showing wetlands that had been filled in, and also a survey of the land.

Mr. Chris Stamborski said that he has met with Mr. Krause. The cutting of cattails is not a violation. There was some work done in the wetland area, and the DNR is aware of this situation and is working on this. Another concern is the drainage moving between the two properties. There is an issue with water pooling around his polebarn as well.

Chairman Kastenson suggested re-ditching and lowering the culvert.

This would alleviate the water problem in the front, but not in the back.

Mr. & Mrs. Belmonte were present for the meeting. They said that they did bring up to Mr. Krause that his culvert should be cleaned out, and then the water would run to 113th Street. The DNR came to their house two different times. They will be coming again this Spring.

Mr. Krause stated that there is a three foot difference between the lots; the biggest problem is right on the lot line.

Mrs. Belmontes said that they have cleaned up the property; they did not fill it. They placed wood chips and dirt around between the trees.

Mr. Stamborski said that it is his opinion that there are two different drainage issues here. The first is the water in the roadway – that can be fixed by the Town's Highway Department. The second issue is what happens to the water that doesn't make it to the ditch. The DNR needs to give their input on this matter.

Chairman Kastenson suggested a swale.

Mr. Stamborski said it would just be a matter of who will pay for it.

Supervisor Ryan said that the Town could help out with the water in the front; however, the DNR needs to get involved regarding the water between the properties.

Mr. Belmonte said that if Mr. Krause takes care of the front; the Belmontes' would take care of the back.

Chairman Kastenson stated that the Town would absorb the cost of the re-ditching and culvert.

Supervisor Cantwell suggested that the next time the Belmontes speak to the DNR, they should request a letter from them.

No formal Board action was taken, as the parties will be working this out.

4. Discussion/Possible Decision regarding condemned pond leaking onto private property at 4524-68th Street: (Joint Action)

Mr. and Mrs. James Callewaert were present for the meeting.

Gary Boldt stated that the Plan Commission approved this pond in 2006, with restrictions from Racine County.

Mr. Callewaert said that in May of 2009, he DNR was out to the site, and did confirm that the pond was leaking. They said they needed permission to fix it because the State signed off on that pond. In order to repair the leak, it would be at the property owner's expense. Mr. Callewaert loses about 3-4 acres of crop each year because of this pond. He showed the Board pictures of standing water on his property.

Mr. Babe said that, according to a letter the Boards received from Mr. Fletcher, the pond is being drained right now.

Chris Stamborski stated that the original plan for the pond was to berm around an existing low area.

Mr. Callewaert disagreed, stating that this property had been planted for years. Right now, the water level in the pond is about 3 – 4 feet above his land.

Chairman Kastenson has spoken to the person that excavated the pond – there was no lining in that pond.

Mr. Boldt said that the ASCS office was supposed to be supervising this pond.

Supervisor Ryan stated that according to the Town Engineer's letter, the Fletchers were given conditions to abide by.

Chairman Kastenson said that in the future, RA Smith needs to go out to make sure that the conditions are met. The Town can recommend approval, but who is responsible for enforcement? This problem should be fixed.

Mr. Binhack suggested giving Mr. Fletcher until May 1st to have the pond drained, and then, allowing him until July to fix the problem.

Mr. Callewaert said that he has lost two years of crops already and doesn't want to lose another crop.

Supervisor Ryan questioned having RA Smith go on the property to see if the pond was ever done to the specifications given, so that the Town can have some jurisdiction.

Mr. Babe asked how big the pond is?

Chairman Kastenson said it is about ½ acre in size, and about 6 feet deep.

Supervisor Phillips suggested having Fletchers pump the water out by May 1st, and then, maintain a minimum amount of water until the pond is fixed, or water is rerouted.

Mr. Callewaert asked what happens if the Fletchers don't abide by the rules? Who is going to be watching to make sure the water stays below his farm field?

Mr. Boldt suggested condemning the pond.

Mr. Callewaert said that if the pond is condemned, then, where will the water go? There are three – 6-inch clay tiles running into that pond.

Supervisor Phillips said that there is a lot of hear-say; the Town needs to find out who is responsible for this.

Mr. Callewaert asked if the Town Board signed off on this pond?

Supervisor Ryan said that he feels that this pond approval pre-dated the existing pond ordinance that the Town has.

Mr. Fletcher will be sent a copy of the Racine County Conditions, as well as RA Smith's conditions for approval from 2006.

PLAN COMMISSION ACTION:

Require Mr. Fletcher to drain the pond, per R.A. Smith specifications, by May 8, 2010, and require Mr. Fletcher to obtain the proper permits from the Town, subject to paying an impact fee; subject to conditions and final review from R.A. Smith; subject to reimbursement of engineering fees for R.A. Smith; and subject to re-routing any disturbed tiles, with a completion date for fixing the pond by July 15, 2010., made on a BOLDT/BINHACK MOTION. MOTION CARRIED 6-0.

TOWN BOARD ACTION:

APPROVE PLAN COMMISSION RECOMMENDATION AS PREVIOUSLY SET FORTH, MADE ON A CANTWELL/RYAN MOTION. MOTION CARRIED 4-0.

5. Discussion/Possible Decision regarding soil disturbance complaints at Seven Mile Road and Highway 45: (Joint Action)

Mr. Wayne Stever was present for the meeting. He stated that in the past, he has never complained about the work that was being done next to him; he has never complained about the excessive noise; however, he is now going to speak up about the water situation. He would like the property to be engineered properly. He also called the Racine County Highway Department about putting in a bigger culvert, but they said “no”. Mr. Yenter doesn’t have a silt fence either. He spoke to Mr. Stamborski and was informed that it is the Town’s responsibility. The soil disturbance project is not being done correctly. There is definitely enough fill in there right now to make it a buildable piece of property.

Mr. Stamborski would first like to clear up a misunderstanding. When he spoke to Mr. Stever, he said it was “Tim’s” responsibility, not the “Town’s” responsibility. Also, when Mr. Stamborski spoke to Tim (Yenter), he talked about the swale coming further South. However, there still may be a chance that Mr. Stever will get water.

Mr. Stever suggested the swale being brought down lower, and as a back-up, a 12-inch tile with a catch basin. However, he would really prefer a large culvert.

Chairman Kastenson feels that the Town Engineer is going to have to look at some sort of retention or detention pond. He also feels that filling should be stopped until this problem is solved.

A gentleman in the audience with Mr. Yenter stated that the culvert was plugged, but he and Mr. Yenter cleaned out the culvert and water was flowing. The culvert did cave in, but this should be cleaned out this week.

Mr. Stamborski said that putting in a catch basin would bring more water to the front ditch.

Mr. Binhack asked if the ditch should be dug deeper?

Supervisor Ryan asked Mr. Yenter when this project was started and when does he think it will be done?

Mr. Yenter stated that they started stripping top soil in November of 2009 and started filling in December.

The gentleman with Mr. Yenter said that they will get it done as soon as possible. It depends on how things go. They hope to be done by June or July of 2010.

Mr. Boldt asked how high they want to fill?

Mr. Yenter said to the height of Seven Mile Road. They will have 4 inches of topsoil.

Mr. Stever suggested 8 inches of topsoil.

Mr. Stamborski said that there is still room for fill in the middle of the property.

Mr. Boldt said that according to the minutes, Mr. Yenter was given approval subject to fixing any broken tile and rerouting those tiles – has this been done?

Mr. Yenter said that he found one tile. He addressed the tiles that Mr. Stever was concerned about.

PLAN COMMISSION ACTION:

STOP ALL FILLING UNTIL THE SITE IS BROUGHT UP TO PAR AND HAVE THE TOWN ENGINEER INSPECT THE SITE WITH A JUNE 15TH DEADLINE; AND ALSO HAVE THE CULVERT CLEANED OUT, MADE ON A BOLDT/SINDA MOTION. MOTION CARRIED 5-0.

TOWN BOARD ACTION:

APPROVE PLAN COMMISSION RECOMMENDATION, BUT ALSO INCLUDE THAT MR. YENTER FOLLOW THE TOWN ENGINEER'S SPECIFICATIONS FOR FIXING THE WATER PROBLEM, AND HAVE ALL OF THIS DONE BY JUNE 15, 2010, MADE ON A CANTWELL/RYAN MOTION. MOTION CARRIED 4-0.

Chairman Kastenson suggested checking into a retention pond being placed somewhere on that property.

Mr. Stever said that the State of Wisconsin suggested a retention being placed on the property prior to the property being sold.

**At 10:00 PM, the Special Joint Meeting was Adjourned on a:
BOLDT/BINHACK MOTION FOR PLAN COMMISSION – MOTION
CARRIED 5-0.**

**RYAN/PHILLIPS MOTION FOR TOWN BOARD – MOTION CARRIED
4-0.**

Respectfully submitted,

**Linda M. Terry
Town Clerk**