CLOSED SESSION – SEPTEMBER 26, 2011

On Monday, September 26, 2011, the Town Board of the Town of Raymond, held a Special meeting. The meeting was called to order at 7:00 pm, by Chairman Kastenson. Roll call was taken as follows: Present were – Chairman Gary Kastenson; Supervisors, Joe Pohlhammer; Stan Bugnacki; Paul Ryan and James Phillips. Also present were – Town Clerk, Linda M. Terry; and Labor Relations Coordinator, William G. Bracken.

Immediately after roll call, **the Board moved to Closed session pursuant to s. 19.85(1)(c) for the purpose of discussing strategy for collective bargaining, ON A PHILLIPS/BUGNACKI MOTION. ROLL CALL VOTE TAKEN – MOTION CARRIED 5-0.**

After discussion regarding the above matter, **at 7:40 PM, the Board Reconvened into Open Session to take possible action on those issues discussed in closed session and to take other action as may be appropriate and related to this matter and to move to regular scheduled town board meeting, ON A PHILLIPS/RYAN MOTION. ROLL CALL VOTE TAKEN – MOTION CARRIED 5-0.**

Motion to approve Grievance Procedure, as presented, made on a PHILLIPS/RYAN MOTION. MOTION CARRIED 5-0.

At 7:40 PM, the Board moved to the regular scheduled town board meeting. The Pledge of Allegiance was recited. In addition to the above people, (minus Mr. Bracken), the following were at the Town Board meeting: Town Treasurer, Lee Marie Toll and Fire/Rescue Chief, Alan Babe.

TOWN BOARD MEETING – SEPTEMBER 26, 2011

The Pledge of Allegiance was recited.

The Treasurer's Report was read by Lee Marie Toll, as follows:

Community State Bank - General Checking			
Beginning Balance			**$3,799.68**
Deposits:	333,182.94		
Transfers in:	51,039.14		
Interest Earned		6.06	
Miscellaneous Credits			
Correcting Journal Entries made			
TOTAL DEPOSITS:			384,228.14
Disbursements:	(117,068.47)		
Transfers out:	(258,000.00)		
Bank Charges & Miscellaneous Deductions	(15.00)		

Correcting Journal Entries made			
TOTAL DISBURSEMENTS:		(375,083.47)	
ENDING BALANCE:			**12,944.35**
OTHER ACCOUNTS:			
UNRESTRICTED			
Community State Bank - Money Market	381,393.26		
Less LOC for Stone Creek Crossing	(1,136.52)	380,256.74	
State LGIP Fund - Tax Investment		19,173.00	
TOTAL UNRESTRICTED FUNDS			399,429.74
RESTRICTED			
Community State Bank - Bond Escrow		59,377.89	
Community State Bank - Money Market/Stone Creek LOC		1,136.52	
Community State Bank - Storm Water Utility		78,507.74	
State LGIP Funds - Bond Escrow		20,262.08	
State LGIP Funds - Cemetery		14,327.26	
State LGIP Funds - Municipal		15,855.67	
State LGIP Funds - Land		22,830.44	
State LGIP Funds - RJM LLC - Asphalt		32,108.06	
State LGIP Funds - Stone Creek Crossing		-	
TOTAL RESTRICTED FUNDS			$243,269.14
ALL TOWN BANK ACCOUNTS			**$ 655,643.23**

The Treasurer's Report was **APPROVED AS READ, ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 5-0.**

BILLS PAID FROM AUGUST 22, 2011 – SEPTEMBER 23, 2011: Town =$117,068.47 SWUD = $737.75, WERE APPROVED ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 5-0.

Supervisor Pohlhammer questioned there being any RA Smith bills.

He was informed that there was a bill from RA Smith that was paid out of the General Fund, and there was a bill from RA Smith that was taken out of the Storm Water Utility District Fund.

MINUTES FROM PREVIOUS MEETINGS OF: 8/22/11

APPROVED ON A RYAN/PHILLIPS MOTION.

Discussion:

Supervisor Pohlhammer feels that the minutes are incomplete. The 8/22/11 minutes are incomplete where he was made to pay for record search and some other areas are also incomplete.

Supervisor Phillips asked if he was questing the decision that the Board made or the minutes?
Supervisor Pohlhammer said he is questioning the minutes.
Supervisor Phillips asked what he wanted added to them?
Supervisor Pohlhammer said he doesn't feel that he should have to pay for the search of records that may not exist. He would agree to pay if he received a report with a signature. Also, Gary Kastenson said that there is no actual engineering report.

MOTION CARRIED ON A 4-1 VOTE, WITH SUPERVISOR POHLHAMMER OPPOSING.

SET AGENDA:

The Sheriff's Report will be addressed when Sergeant Mattke gets here.

PUBLIC COMMENT – Discussion of any matter raised by the Public:

Please be advised that per Wisconsin Act 123, the Town Board will receive information from the public for a two minute time period, with time extensions per the Chairperson's discretion, per person.

Bob Flasz:

He would like to speak under C & D of the Plan Commission agenda.

John Hagen:

Would like to speak under C of the Plan Commission agenda.

Dennis Boldt:

Would like to speak under H of Town Business.

Terry Peters:

Would like to speak under C of Plan Commission agenda.

1) **<u>Fire Department Business</u>:**

a. **Update on Long Driveway Project:**

Chief Babe reported that we can now order the signs. Identifying stickers will be placed on current address signs.

b. **Discussion/Decision regarding Dry Hydrant in Stone Creek Subdivision:**

Last year there was some discussion regarding the performance of that hydrant. We use that dry hydrant – it is the best that I have seen that pond; someone is really taking care of it. It is one of the best dry hydrants that the Town has.

c. **Discussion/Decision regarding Street Signs for Stone Creek Subdivision:**

Once again, Chief Babe questioned the signs not being placed in Stone Creek yet.
Chairman Kastenson stated that the signs have been ordered.
Supervisor Pohlhammer questioned the lane delineation signs?
Chairman Kastenson said that all the signs that were stolen, have been ordered.

d. Communications / Announcements:

**Chief Babe updated the Board on the FEMA Grant. The outlines of the grant, allowed the Town to do both grants – one for the tanker and one for the rescue squad; however, it will be impossible to do both grants. Dave Prins has gone to classes for grant writing. They will be sticking with the original plan, and applying for the grant for the tanker truck. It was due by the 9th; however, that time line has been extended.

**Next month there is a meeting with Racine County and Kenosha County. Chief Babe would like support from the local politicians. Chairman Kastenson will work with Dave Lecus on this matter.

**The Town's Fire/Rescue Personnel raised $5100.00 in the "Fill-the-Boot" campaign.

**They have a host family speaking about MDA and how it has affected their family.

**There were two major structure fires in the Town.

**September 20th was the "go live" date for combined services.

**Town of Raymond Fire Department was asked to support and host a class. The instructor will be pre-paid. The classes will run for three Saturdays in November.

**Hose testing has been done.

**Pancake Breakfast is scheduled for October 2nd.

**Chairman Kastenson complimented the department on the wonderful job they did on a recent accident in the Town.

SHERIFF'S REPORT:

Sergeant Mattke handed the Board members his report for the month of August.

The department issued 13 traffic citations, all of which will come before the Town's Municipal Court.

The deputies spent 23.75 hours of billable time in the Town, and accumulated 105 miles – the total billable charges in August were $1260.19.

Chairman Kastenson reported that mailboxes along 108th Street had been vandalized.

2) <u>Storm Water Utility District</u>:

a. Presentation/Discussion of SWUD 2012 Draft Budget to Town Board:

Supervisor Ryan presented the Board with the proposed 2012 SWUD Budget. He would like to do the project on the Northeast corner of the Town.

Chairman Kastenson asked when this project would be going out for bid?

Supervisor Ryan said that it would go out for bids in February or March.

3) <u>Plan Commission Business:</u>

a. Discussion only regarding improvements to be done on West end of Town Property/Fire Chief Babe:

Chief Babe stated that he is aware that there are tile and flood plain on the property to the west of the Town Hall. The department would like to extend the driveway. He will see Julie Anderson, from Racine County Zoning regarding the property. After that, he will go with Supervisor Pohlhammer to see just where the existing tile are.

He also stated that this is just in the planning stages.

b. Conditional Use Permit: Keith & Emily Kastenson; 3822-68th Street; for continued storage use:

Chairman Kastenson stepped down from the Board at this time – Supervisor Ryan chaired this portion of the meeting.

Plan Commission Member, Joe Strueder said that the Plan Commission approved this request.

Supervisor Pohlhammer asked how many acres were on this property?

Keith Kastenson replied that there are 20 acres.

Supervisor Pohlhammer said that if the Board approves this, then all 20 acres could be used for storage.

Keith Kastenson said that there is no storage allowed in buildings built after 2000 on this property.

APPROVE CONDITIONAL USE PERMIT, MADE ON A PHILLIPS/BUGNACKI MOTION. MOTION CARRIED 4-0, WITH CHAIRMAN KASTENSON ABSTAINING.

c. Conditional Use Permit: Kevin & Karla Kegley; 9828 – 3 Mile Road; for occupancy of buildings & site with a horse boarding/training facility:

Bob Flasz:

It is not my intention to harm any of his horses or property.

There were violations on the property and they are working on them. I have had a number of concerns. They were not addressed by the Plan Commission.

Chairman Kastenson:

The people that previously lived at this address also boarded horses – why is this suddenly a problem?

Bob Flasz:

There were 3 - 4 horses. Over the course of 20 years there were 4 – 6 horses on the property. Just before the Lights moved, they had 10 – 12 horses for the last six to eight months. They kept it low profile. Now, there are anywhere between 12 – 16 horses. For the first year, I did not say anything about it.

John Hagen:

Has lived next door to the Kegley property since 1983. He is the nearest neighbor. There has always been horses on this property. The County ok'd it – the property is looking good. This is insane – there have been horses there forever.

Supervisor Pohlhammer:

The problem is the number of horses.

Terry Peters:

Has concerns about being restrictive about horses. If Mr. Kegley has 20 horses as a boarding stable, when would we as citizens no about meetings?

Supervisor Pohlhammer:

Would like to know who determines when a portable toilet is ok for a property?

Supervisor Bugnacki:
The County said the conditional use would be non-transferrable.

Bob Flasz:
The County did not limit him to 20 horses - only storage for manure from 20 horses.

Kevin Kegley:
There are 20 horses on 5 acres. We can have as many as we want as long as we have maintenance of those horses, and manure storage.

Supervisor Ryan:
Stated that the Town has previously spoken about a large animal ordinance.

Mr. Hagen:
Does the Town have an ordinance or not? If not, this is just a neighbor squabble.

APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 3-2, WITH SUPERVISORS POHLHAMMER AND BUGNACKI OPPOSING.

d. Discussion/Decision regarding restoration work to be done at 359 – 43rd Street:

There will be a Road Bond placed with the Town. Also, the hours of work will be 7:00 am – 4:00 pm.

Plan Commission member, Joe Strueder said that Waste Management will simply be filling in the sink holes at the dump site.

Supervisor Bugnacki asked how many days it would take?

He was told it would consist of 3 – 4 days of hauling and about 2 weeks of grading.

Chairman Kastenson asked how much dirt?

He was told about 3000 tons.

Supervisor Phillips asked if the Town Engineer had looked at this?

He was told that Mr. Stamborski did look at it – he is also welcomed to visit the site at anytime.

APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, WITH A $10,000.00 ROAD BOND AND HOURS OF WORK FROM 7:00 AM – 4:00 PM, MADE ON A RYAN/BUGNACKI MOTION. MOTION CARRIED 5-0.

e. Discussion/Decision regarding Field Tile Ordinance:

Plan Commission Member Joe Strueder said that the Plan Commission Secretary, Gary Boldt, made quite a few phone calls to different municipalities. There are no other municipalities that presently have a field tile ordinance.

Chairman Kastenson asked that he check with Rochester – they are just putting one together.

Supervisor Ryan said that previously, the SWUD gave the Plan Commission a sample ordinance.

Mr. Strueder stated that at the Plan Commission, they decided to keep it on an individual basis.

Supervisor Pohlhammer would like the Plan Commission to keep it on their agenda.

NO ACTION TAKEN ON THIS MATTER.

4) **Town Business:**

a. Update on Tim Yenter, 2562 – 96th Street – Soil Disturbance:

Chairman Kastenson stated that Mr. Yenter was to spread the top soil, but now, they are hauling dirt away. Every permit that Mr. Yenter has had, he has violated. He was also to contact the Town Engineer, but that wasn't done either.

Supervisor Bugnacki felt that if he continues to have violations, we should contact the Town's Attorney.

Supervisor Phillips said that the Town has bent over backwards for Mr. Yenter, but he keeps breaking the ordinances.

Mr. Yenter said that he took care of the water problem. The topsoil is there and ready to spread.

Supervisor Pohlhammer said that if this goes to Court, the job won't be done until after the frost is out of the ground. The Town Engineer should shoot the grade.

Supervisors Ryan and Phillips feel that Mr. Yenter has had quite enough extensions. It is obvious that Mr. Yenter doesn't want to work with the Town.

Mr. John Kajian, the gentleman that put up the $10,000.00 road bond for Mr. Yenter, said that the job can be finished in 3 – 4 hours. He also stated that the water will go to the pond rather than to the swail. Over 60% of the site is seeded.

Chairman Kastenson would like to RA Smith shoot the grade on the site.

Supervisor Pohlhammer suggested allowing Mr. Yenter to have his own engineer shoot the grade.

HAVE MR. YENTER RE-APPLY FOR PERMITS AND WHEN THE JOB IS DONE, HAVE R.A. SMITH SHOOT THE GRADE, MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR POHLHAMMER OPPOSING.

b. Discussion/Decision regarding Moczynski Pond on 100th Street: (previously tabled)

Supervisor Pohlhammer stated that there have been alterations made to this pond, and there were no permits pulled for those alterations.

Chairman Kastenson said that this is an existing pond, and he replaced an existing tile.

Supervisor Pohlhammer said that the elevation of the pond has changed.

Mr. Moczynski said that the purpose of the tiling is because of two blow-outs. He also stated that he and Mr. Papp have no animosity. At no time did Mr. Moczynski intend for any problem. Originally, he asked the fire chief if he wanted a dry hydrant. All of this was done at my expenses. This was started three years ago, when Mr. Pohlhammer started calling the DNR on me. I even put an inspection riser on this. I have been coming to Town Board meetings since April.

Supervisor Phillips stated that, at the last meeting, Mr. Paap was going to have some outside tiling person look at this – we have not heard from Mr. Paap.

Supervisor Pohlhammer has concerns about the tile replacement.

Justin (Moczynski's tiler), said that the 15-incher that concerns Supervisor Pohlhammer is a culvert, not a drain tile.

Supervisor Ryan feels that this is a property owner dispute – it is not in the Town's right-of-way.

Justin said that there are two clean-outs.

TABLE THIS MATTER, MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR POHLHAMMER OPPOSING.

c. Discussion/Decision regarding crosswalk across 7-Mile Road; and the West Frontage Road: (previously tabled): No new information received to date

TABLE UNTIL FURTHER INFORMATION IS RECEIVED, MADE ON A KASTENSON/RYAN MOTION. MOTION CARRIED 5-0.

d. Discussion/Decision regarding holding a special meeting regarding Gayhart Pond:

Chairman Kastenson did not agree with this to be on the agenda – the Town has been involved in this previously, as were attorneys.

Supervisor Phillips asked that this be placed on the agenda. There are legal issues here. My agreement, when agreeing to have this placed on the agenda, was to put this matter to rest.

John Hagen:

When this originally came before the Town Board, my children could not get on the bus – for 2-1/2 years the road flooded. Also, this area is a hydrant for the fire department.

Bob Flasz:

Originally, this was a wetland; the pond was dug out. When the property owners installed a new heating unit in their home, then, we started getting water. They had pumped it in the North ditch; I was told the geo-thermal unit was not going to be used. The engineer said to wait a year.

Supervisor Ryan:

In the past, we (Town Board) has asked for proof of damages; provide us with the facts.

Chairman Kastenson:

Read a letter dated March 7th, stating that Mr. Flasz has retained an attorney.

Supervisor Phillips:

Mr. Flasz gave me a resolution that has nothing to do with a water problem. If we would have agreed to your "deal", you would let the water issue go. If the Town were to inform you of when we will open and close the valve, would that suffice?

Bob Flasz:

Would like the loop closed on the heating system.

MOTION TO <u>NOT</u> HAVE A SPECIAL MEETING, MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 3-2, WITH SUPERVISORS POHLHAMMER AND BUGNACKI OPPOSING.

e. Discussion and possible action regarding Supervisor Pohlhammer's stated intention to continue to use and actual continued use of Town of Raymond letterhead stationery:

Supervisor Pohlhammer said that he is an official from the Town of Raymond and as such, is allowed to use the letterhead.

Supervisor Phillips stated that the Wisconsin Town's Association said that "The Board" decides who is and isn't allowed to use Town property – the letter is Town property.

Supervisor Phillips also stated that if Supervisor Pohlhammer continues to use the Town Letterhead, we will take recourse.

Supervisor Ryan agreed.

f. Discussion/Decision regarding Trick or Treat Hours:

SET TRICK OR TREATING HOURS FOR SUNDAY, OCTOBER 30TH FROM 4:00 – 8:00 PM, MADE ON A PHILLIPS/BUGNACKI MOTION. MOTION CARRIED 5-0.

g. Discussion/Decision for date for Budget Workshop:

THE DATE FOR THE BUDGET WORKSHOP WILL BE MONDAY, OCTOBER 10TH AT 7:00 PM.

h. Discussion/Decision regarding Town Hall Rental for snowmobile club on the 4th Wednesday of each month:

There was discussion as to which date would be available for the club to meet.

It was stated that the club chairman should contact the Town Clerk to set up a meeting night that works.

Clerk Terry stated the main reason that this is on the agenda is to ask that the rental fee be waived for the snowmobile club. The bulk of the members are from Raymond.

WAIVE THE FEE, MADE ON A RYAN/BUGNACKI MOTION. MOTION CARRIED 5-0.

i. Discussion/decision regarding placing a cross culvert at 10125-5 Mile Road / Richard Sehrbrock:

Chairman Kastenson said that the Town engineer did have a problem with the open tile. The DPW said that it didn't matter to him.

Supervisor Pohlhammer was concerned with the size of the culvert. He doesn't want to overflow. He thinks a restrictive plate should be put in there.

Supervisor Phillips asked if Willms are across from him?

Mr. Sehrbrock said they are.

Supervisor Ryan asked what type of expense the Town would be looking at?

Chairman Kastenson said it would cost about $600.00. The road is now "open" so it would be wise to get the job done before they close the road. He would also suggest taking the money out of the Storm Water Utility District Budget.

APPROVE REPLACEMENT CULVERT BASED ON RECOMMENDATIONS FROM THE TOWN ENGINEER, WITH THE MONEY COMING FROM THE SWUD BUDGET, MADE ON A PHILLIPS/RYAN MOTION. MOTION CARRIED 5-0.

Supervisor Pohlhammer said that if it causes downstream flooding, we should install a restrictive plate.

Chairman Kastenson said that it would go to the creek.

Supervisor Bugnacki had some concerns regarding the paragraph from the engineer regarding the possibility that the Town would need to seek permission to drain water across land.

j. Communications and announcements:

**Chairman Kastenson reported that he received a call regarding a pond at 43rd Street and 7 Mile Road.

THIS WILL BE ON THE NEXT MONTH'S AGENDA.

**Supervisor Phillips said that Waterford's Health bill has gone up.

**Supervisor Pohlhammer passed out the legal opinion he received from the Town's Association regarding placing items on the agenda.

**Clerk Terry stated that she also received another email from the Town's Association, wherein they said that the Town should get their advice from the Town Attorney.

At 10:25 PM, the meeting was ADJOURNED ON A PHILLIPS/KASTENSON MOTION CARRIED 3-0.

Respectfully submitted,

Linda M. Terry
Town Clerk