

**Town of Raymond Town Board**  
**Special Meeting Minutes**  
**October 8, 2009**

- 1.) **Roll Call:** Chairman Gary Kastenson called the special meeting to order at 7:00p.m. Present were Spvrs. Dave Lecus, Kevin Cantwell and Paul Ryan. Spvr. Wayne Loppnow was absent. Also present was Clerk Kari Morgan, Town Engineer Chris Stamborski of R.A. Smith National for agenda items two and three, Town Counsel Elaine Ekes of Hostak, Henzl & Bichler for agenda item three and approximately four (4) residents.
- 2.) **Discussion/Possible Approval of Tim Yenter Land Dist. Permit, Corner of Hwy. 45 & 7 Mile Rd. (Parcel #012042107015000):** Engineer Stamborski discussed the Planning Commission's recommendations. Ch. Kastenson questioned filling the site in lifts. Engineer Stamborski explained that they will have no more than one foot lifts as they go. The board reviewed the large scale map of the proposed project. Resident and neighboring property owner Wayne Stever questioned why this project cannot work with only two feet of fill rather than the proposed five? He stated that he does not want his property to look like it is in a hold. He explained that he is not opposed to the fill on the property, just the proposed five feet of fill. He questioned why they can't keep the grade at a two foot raise, at least along his property line. Discussion ensued regarding decreasing the amount of fill along the property line as well as the many tiles located on the proposed fill site. Property owner Tim Yenter stated that he will re-route tiles that would be under the building area. Engineer Stamborski explained that the lowered elevation along the property line will not change the drainage pattern. Mr. Stever stated that he is aware of a big drain tile on this property and would like to set it re-routed. Mr. Yenter explained that he will re-route this tile prior to filling in the area. Ch. Kastenson explained that the town required buffer zones within their land use plan for commercial type properties. The board will look into what the buffer zone would be. Discussion ensued regarding the tile repairs and re-routing. Engineer Stamborski was asked to check all tile repairs and/or alteration. Ch. Kastenson reiterated the board's discussion by stated that both tiles must be found on the property, the elevation will go down from 816 to match the berm height to the South, all tiles found must be re-located if they are in the fill area on the south and the east end, and there will be a buffer zone along the property lines following the town's land use plan. Mr. Yenter questioned if he can commence work on Saturdays. The board discussed and felt that he could commence work on Saturdays through the cold months. They also discussed the planning commission's request to install a sign stating that there will be no tailgate slamming. The board stated that they would also like to see a sign stating that no trucks can go east on 7 Mile Rd. Ch. Kastenson stated that if any of the conditions placed upon this permit are not followed or engineer reimbursement are not kept up to date, that the project will be immediately stopped by the town. Ch. Kastenson questioned the timeline for hauling the fill

in. Mr. Yenter and his contractor stated that it will take 90 days to bring it in unless there is inclement weather. They stated that they should be finished by the end of January 2010. Ch. Kastenson questioned the timeline for restoration. Mr. Yenter's contractor stated that they should be working on the restoration in early spring. Spvr. Lecus moved, seconded by Spvr. Ryan to approve Mr. Yenter's land disturbance permit application with all the conditions that were placed upon it by the Raymond Planning Commission excluding the no work on Saturdays stipulation, the new grades will be added as discussed in the meeting, there will be a sign placed stating that no trucks can go East and a buffer zone will be required that will comply with the Town of Raymond's land use plan. Discussion ensued regarding the sign disallowing trucks to the east. Spvr. Lecus called the motion. Motion to approve carried 4/0. Spvr. Lecus moved, seconded by Spvr. Cantwell to release the stop work order on Mr. Yenter's property located on the corner of 7 Mile Rd. and Hwy. 45, carried 4/0.

**3.) Discussion/Decision on Stone Creek Crossing Surface Paving Project Award & Status of Obligations of Developer in Default with the Subdivision Development Agreement for the Stone Creek Crossing Subdivision (Corrective Work & Installation of Surface Asphalt & Final Road Improvements):**

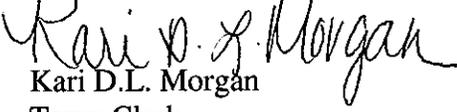
Atty. Ekes explained that the town received one bid for the Stone Creek Crossing paving project which was higher than the engineer's estimation. She explained that the amount bid would eat up the \$175,000 in escrow and the town would also have to tap into the letter of credit to cover the additional cost. She is recommending the board wait to do this project until the spring and then have it bid out with the town's road program, because she feels it will be cheaper. Atty. Ekes mentioned that she feels the town can potentially save \$70,000 by bidding this project out with their regular road program. She also explained that she spoke to the bank holding the letter of credit and they have verbally stated that they will be willing to extend the letter of credit to February 2011. She is recommending that if the bank does do this, that the town extend the loc to 2011. The bank has informed her that the developer has been cooperating with them and has agreed to allow the bank's representative (MLG Development) to list and market the lots left in the development. Atty. Ekes referred to the August 18<sup>th</sup> letter that was sent to the developer listing all the corrections needed in the development which now does not include the dry hydrant since it is now in working order. Engineer Stamborski explained that corrections needed in the development could wait until next year. Atty. Ekes also mentioned the amount of legal/engineering fees that need to be reimbursed by the developer. She explained that if the bank does not cut a check to pay them that the town can tap into the letter of credit for those reimbursable amounts. Spvr. Ryan moved, seconded by Spvr. Lecus to defer action on this issue and award of the paving project to the next meeting scheduled for Monday, October 12, 2009, carried 4/0.

**4.) Discussion/Review/Possible Decisions of 2010 General Budget:** Fire & Rescue Chief Alan Babe presented his 2010 budget to the board. He kept it the same as last year and mentioned that the department would like to purchase powered cots which are already included in his proposed budget. The board reviewed his budget and informed him that they will be finalizing it and making the necessary

cuts at their October 15<sup>th</sup> meeting. There was also discussion on the recycling center and the amount of money it will be over budget this year and the low revenues for 2009. The board also discussed the fire and rescue department's call volume on the interstate. Clerk Morgan will obtain this information from Clerk Margaret Fohr. The board will continue and finalize budget discussions on October 15, 2009.

**5.) Adjournment:** Spvr. Lecus moved, seconded by Spvr. Ryan to adjourn, carried 4/0. Meeting adjourned at 9:15p.m.

Respectfully Submitted,

  
Kari D.L. Morgan  
Town Clerk

F: Minutes/2009/10.8.09sp