

TOWN BOARD MEETING – AUGUST 9, 2010

The Town Board of the Town of Raymond held their Town Board meeting on Monday, August 9, 2010. 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; Paul Ryan and James Phillips. Also present were, Clerk, Linda M. Terry; Treasurer, Lee Marie Toll; and Town Engineer, Chris Stamborski.

Treasurer Toll read the Treasurer’s report as follows:

COMMUNITY STATE BANK - GENERAL CHECKING BEGINNING BALANCE:		\$11,885.56
Deposits:	5,565.44	
Transfers in:	\$28,604.36	
Interest Earned	5.06	
Miscellaneous Credits		
Correcting Journal Entries made		
TOTAL DEPOSITS:		<hr/> \$34,174.86
Disbursements:	(\$35,351.18)	
Transfers out:		
Bank Charges & Miscellaneous Deductions		
TOTAL DISBURSEMENTS:		(\$35,351.18)
ENDING BALANCE:		<hr/> \$10,709.24
OTHER ACCOUNTS:		
UNRESTRICTED		
COMMUNITY STATE BANK - MONEY MARKET		\$61,906.06
STATE LGIP FUNDS - TAX INVESTMENT		\$19,137.57
TOTAL UNRESTRICTED FUNDS		<hr/> \$81,043.63
RESTRICTED		
COMMUNITY STATE BANK - BOND ESCROW		\$68,269.21
COMMUNITY STATE BANK - STORM WATER UTILITY		\$125,840.12
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		<hr/> \$475,362.74
ALL TOWN BANK ACCOUNTS		\$567,115.61

The Treasurer’s report was **APPROVED ON A LECUS/RYAN MOTION. MOTION CARRIED 5-0.**

Minutes from previous meeting of July 26, 2010, were **APPROVED ON A LECUS/RYAN MOTION. MOTION CARRIED 5-0.**

SET AGENDA – NO CHANGES

SHERIFF’S REPORT:

1. Update on vandalism in the Town of Raymond:

Detective Keith Dobesh was present for the meeting. He updated the Board regarding citations that have been issued in the Town. He has given out six speeding tickets, all of which are for exceed the limit by at least 15 mph. He also issued an animal cruelty citation for a person leaving their dog in a vehicle at 7-Mile Fair.

Regarding the vandalism update – they did recover some evidence from the scene; a telephone number was given out for a tip-line, but there have been no tips yet.

He also told the Board that Waterford is also getting hit pretty hard with vandalism – once or twice a week.

Chairman Kastenson asked who gets the money from the speeding citations?

Detective Dobesh stated that while he is working in Raymond, all citations are issued for the Town of Raymond Municipal Court; all the money will be coming to Raymond.

FIRE/RESCUE BUSINESS:

1. Communications and Announcements: NONE

STORM WATER UTILITY DISTRICT BUSINESS:

NONE

PLAN COMMISSION BUSINESS:

NONE

TOWN BUSINESS:

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

The representative from Gordon Maier was unable to attend tonight’s meeting.

TABLE UNTIL THE AUGUST 23, 2010 TOWN BOARD MEETING, MADE ON A LECUS/RYAN MOTION. MOTION CARRIED 5-0.

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

Mr. Yenter was present for the meeting, as was Town Engineer, Chris Stamborski.

Mr. Stamborski stated that Mr. Yenter has made significant progress at the site. He is not done with the list, but is making progress.

Chairman Kastenson stated that he has had a conversation with Mr. Wayne Stever regarding this project; he feels the pond should be made deeper.

Mr. Stamborski agreed that the pond does need to be made bigger. We also have to address the depth of the pond.

Mr. Yenter felt that tiles would be blocked if the pond is made any deeper.

Mr. Stamborski said that the tile will be re-routed to go into the roadside ditch – this way, the tile can be checked.

Mr. Yenter said that he needs to make some money to pay some bills – he needs to be able to bring fill in.

Supervisor Lecus said that Mr. Yenter should have thought of this before he started the project. You never complete your projects.

Mr. Stamborski told Mr. Yenter that the Board is saying that the topsoil on the site, has to be used on the site.

Mr. Yenter is in agreement – he also said that he needed a clay base.

Supervisor Cantwell stated that he has driven past the site on three different occasions; he has seen the equipment there but did not see anyone running it. He asked Mr. Yenter when he was personally at the site?

Mr. Yenter responded by saying that he is there between 5:30 pm – 8:00 pm.

Supervisor Phillips asked if, with the ideal conditions, could the project be done in 4 – 5 days?

The answer was “yes”.

Mr. Phillips went on to say that the Town cannot give extensions all the time – will two weeks be enough to get the job done?

Supervisor Ryan stated that if fill is brought in, any excess will need to be removed; you understand this, correct?

Mr. Yenter stated that he did.

Supervisor Phillips once again said that the Mr. Yenter is running out of extensions.

Mr. Stamborski reminded the Board that the “stop fill order” is still on this property.

Supervisor Ryan asked if that needed to be lifted?

Chairman Kastenson would prefer that the stop work order not be lifted.

Supervisor Ryan stated that every time Mr. Yenter brings fill in, it creates a problem.

Mr. Yenter wants the town to have confidence in him. He is trying to make this lot better so that he can sell it.

Supervisor Phillips said that as long as Mr. Yenter has a clear understanding of what he is to do, he doesn't have a problem with the two week extension. At the end of the two weeks, there will be no more extensions, in his opinion.

ALLOW MR. YENTER TWO MORE WEEKS TO FINISH THE FOUR ITEMS, WITH THE “STOP FILL ORDER” TO STAY IN PLACE, MADE ON A CANTWELL/PHILLIPS MOTION. MOTION CARRIED 4-1, WITH SUPERVISOR LECUS OPPOSING.

3. Discussion/Possible Decision regarding Complaint from Joe Pohlhammer:

Mr. Pohlhammer was present for the meeting; he had a few issues that he wanted to address with the Board, and he wants resolution to these matters.

Chairman Kastenson stated that we put a “v” notch in the pond.

Mr. Pohlhammer stated that the overflow portion of the pond is wider than it is supposed to be.

Mr. Stamborski stated that if indeed, it is wider, then this will have to be addressed. He also read a portion of a letter that was sent to Mr. Pohlhammer on November 14, 2008, from Nielsen, Madsen & Barber, SC (Mr. Pohlhammer's engineers at the time):

“The proposed pond outlet has been designed to meet the Town of Raymond storm water requirements to that storm water runoff from the site is managed such that the peak flow generated from a 100-year, 10-year, 2-year storm event under ‘post development’ conditions shall not exceed the peak flows generated from a 100-year; 10-year; 2-year storm under ‘pre development’ conditions.”

“In conclusion, it is our professional opinion that the pond provides little, if any, control of storm water runoff. “

Mr. Pohlhammer stated that K-Custom Homes still owes the Town money.

Chairman Kastenson stated that if the bills are not paid, K-Custom homes will not be getting any more permits.

Regarding the pond, Mr. Pohlhammer said it was supposed to be certified with 2-foot clay lining; the ends of these tiles were still leaking. I am requesting a certification on the tiles; also, the pond is still leaking.

Mr. Stamborski stated that a survey was done and the pond was done correctly. A year later, excavating was done and it was re-surveyed. It was not re-surveyed after this most recent work done. There are surveys from 2007 and 2008. He also said that, regarding the clay lining, this was just checked with the recent work done. The pond, right now, is 2-3 inches low – not because it's leaking, but because of the high heat and humidity lately.

Mr. Pohlhammer stated that all he is asking for is a certification from the engineer. Also, this is a sediment pond. Also the developers need to have a signed easement from me in order for the development to bring additional water on to my property.

Mr. Stamborski also stated that he had not called the Register of Deeds regarding whether or not they were recorded.

Mr. Pohlhammer said that ALL field tiles were to be recorded – the developer cannot just pick and choose which ones they want recorded.

Supervisor Cantwell asked Mr. Pohlhammer if he KNEW that there were tiles that weren't recorded?

Mr. Stamborski said that there is a tile that was relocated on the South ditchline.

Mr. Pohlhammer said that on July 11th, the pond was up 15 inches after a 1-3/4 inch rain.

Chairman Kastenson asked if Mr. Pohlhammer is trying to say that he never had water before this pond?

Supervisor Cantwell asked if Mr. Pohlhammer ever had any water before the development?

Mr. Pohlhammer said that it was always a farm field before it was a subdivision.

Mr. Stamborski then read the final line of the letter dated 11/14/08, from Neilsen, Madsen & Barber, SC., stating that:

“In conclusion, it is our professional opinion that the pond provides little, if any, control of storm water runoff. “

Supervisor Cantwell said that he penciled out the approximate flow, and he came up with approximately 25000 gallons per inch of water.

Supervisor Ryan stated that Mr. Pohlhammer has contended for years that he's getting flooded; and, we have asked for evidence and never received it.

Mr. Pohlhammer said that the tile handled the water before the development, but now it doesn't. In June of 2008, the water was just creeping over my driveway. In regarding to the developer's agreement, it says that the developer should have a retention and/or detention pond. The Town is going to end up owning the pond.

Supervisor Cantwell said that if the developer wants to give the pond away, he'd take it.

Chairman Kastenson stated that the Town can have Mr. Stamborski look at the spillway. He also stated that before the development was there, water has run over onto Mr. Pohlhammer's property. The developer offered to put in a berm, and/or a waterway, and you denied it.

Supervisor Cantwell asked if Mr. Pohlhammer lost any crops?

He has not.

Supervisor Phillips said that the following needed to be done:

Check the width of the spillway
Recertification

Mr. Pohlhammer would like an independent engineer to look at this.

Supervisor Phillips stated that this has already cost the taxpayers over \$8000.00 – this has to come to a close.

Supervisor Cantwell asked what was on the K-Custom Homes property before the subdivision?

He was told it was a farm field.

AUTHORIZE CHRIS STAMBORSKI TO CHECK INTO THE SIZE OF THE SPILLWAY, AND THE TOWN WILL CHECK INTO THE RECORDING OF THE DOCUMENTS, MADE ON A LECUS/PHILLIPS MOTION. MOTION CARRIED 5-0.

4. Update on Vogt Stop Work Order:

Chris Stamborski stated that Mr. Ray Vogt dammed the creek. The DNR has issued stop work orders and have also issued citations.

Supervisor Ryan asked at what point does a person get the point?

Supervisor Phillips stated that a citation should be issued.

AUTHORIZE THE SHERIFF'S DEPARTMENT TO ISSUE CITATIONS IN ACCORDANCE TO THE LAW, OF \$200.00 A DAY UNTIL THE STOP WORK ORDER IS OBEYED, MADE ON A RYAN/PHILLIPS MOTION. MOTION CARRIED 5-0.

Chairman Kastenson asked about contacting the Town's Attorney?

Supervisor Cantwell said that if Mr. Vogt decides to do something, then we can talk to the Town attorney.

5. Discussion/Possible Decision regarding crack sealing:

Supervisor Phillips asked if this should be let out for bids?

It was stated that it is not necessary. It was also stated that Fahrner has done the cracksealing for the Town for years – they also do the bridge inspections for the Town.

It was then asked if there was enough money in the budget for these projects?

TABLE THIS MATTER UNTIL AUGUST 23RD, TO ALLOW JOHN ERTL TO CHECK THE BUDGET FIGURES, MADE ON A LECUS/PHILLIPS MOTION. MOTION CARRIED 5-0.

6. Update on Waste Management / Stan Bugnacki:

Mr. Bugnacki stated that on August 4th, there was a meeting; and at that time, the issues were resolved. They passed the contract unanimously.

The Town Board will need to adopt a Resolution at their next meeting.

The contract is a 5-year contract that can be paid up in 3 years. They will be extending possibly 15 more years, but that would need to go before the State (DNR) first.

The Town of Raymond will be receiving 7-8/10 % and Racine will be receiving 2-1/2%.

The Town Board Thanked Stan Bugnacki for the time that he has contributed to these negotiations.

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

Mr. Steve Daily:

He is glad that there has been conclusion regarding the asphalt plant. He would also like to add that, during the Raymond joint meeting, it was noted that Mr. Stark would be paying approximately \$60,000.00 in taxes to the Town of Raymond; he would actually only be paying about \$8000.00.

Caledonia would allow a Blackhawk Office Complex.

Supervisor Ryan stated that “spectacular use” needs to be defined.

Supervisor Phillips stated that, for the record, there is no asphalt plant that monitors water run-off – there is no requirements for that.

Bill Jaeck:

He lives in the Town of Yorkville, and would like to say that this is more than an asphalt plant. The Town has about 500 people that do not want M-3 zoning. Would the Board agree to a 20-year moratorium on M-3 zoning?

Supervisor Ryan said that this is not up for discussion.

Joe Pohlhammer:

The Town has a letter of credit from K-Custom Homes that expires in January of 2011.

Mr. Roy Gerschwiler:
He has fixed the tiles on his property, but is still getting water. The neighbors have broken tiles and have not fixed them. He is getting rivers running through his property whenever it rains in excess.

He also asked how close can a berm be to his property line?

It was stated that the berm can be on the property line.

Mr. Gerschwiler stated that the berm is actually on his property.

Supervisor Lecus stated that this would then be a civil matter.

This matter will be on the agenda in two weeks.

Christopher Schmaling:

He is a candidate running for Racine County Sheriff. He introduced himself and gave a brief presentation.

**At 9:20 PM, the meeting was ADJOURNED ON A LECUS/RYAN MOTION.
MOTION CARRIED 5-0.**

Respectfully submitted,

**Linda M. Terry
Town Clerk**