

## DECEMBER 28 2020 – PUBLIC HEARING & MONTHLY MEETING

On Monday, December 28 2020, the Village Board of the Village of Raymond held a public hearing to consider a request by Alan Jasperson, agent for North Cape Lutheran Church, 2644-124<sup>th</sup> Street for an amendment to their Conditional Use Permit to allow for the construction and use of an outdoor open-air pavilion for outdoor church services, picnics, youth activities, outdoor weddings, anniversary parties, etc., on property located at 2644-124<sup>th</sup> Street.

The Public hearing was opened at 7:30 pm.

The following people voice concerns regarding loud music, lighting, traffic, etc.

Mr. Don Gibbs  
Mr. Tom Ehlen  
Mr. Jason Lueders  
John Schroepfer

There is no problem with the activities that go on at the church; however, they are concerned about the loud music every weekend. They would like to negotiate an agreement regarding the music.

Alan Jasperson – representative for the church – stated that, at the Plan Commission meeting the Plan Commission suggested nothing louder than 100 decibels. This is the first time we've ever heard a complaint regarding the music. Also, the church will be putting some sort of screening up – pine trees.

Tom Ehlen isn't opposed to the pavilion, but doesn't want the noise. The sound travels very well.

Jason Lueders hopes the members of the Board consider light, traffic, and noise, when making their decision.

John Schroepfer doesn't want the noise to become an issue.

With no one else to speak for or against the conditional use, the public hearing was closed and the Board moved into their regular Board meeting.

The Pledge of Allegiance was recited.

Present for the meeting were: President, Gary Kastenson; Trustees, Doug Schwartz, Tim Geszvain, Paul Ryan and Keith Kastenson. Also present was Village Clerk, Linda M. Terry; Zoning Administrator, Tim Barbeau and Fire/Rescue Chief, Adam Smith.

The Treasurer's report was held over until next month.

**BILLS PAID FROM: November 24, 2020 – December 28, 2020 = Village - \$198,898.91; and SWUD - \$23,685.76 WERE APPROVED ON A GESZVAIN/SCHWARTZ MOTION. MOTION CARRIED 5-0.**

**MINUTES FROM PREVIOUS MEETINGS OF: November 23, 2020, WERE APPROVED ON A GESZVAIN/KASTENSON MOTION. MOTION CARRIED 5-0.**

**SHERIFF'S REPORT**            *none*

**PUBLIC COMMENT**            *none*

**1) Fire Department Business:**

It was stated that the contract was submitted for the new engine.

**2) Storm Water Utility District:**

Discussion/Decision regarding possible dredging on the tributaries.

Trustee Schwartz would like to look into the cost for dredging the tributaries, but, he would like approval from the Board to move forward with this.

**APPROVE HAVING TRUSTEE SCHWARTZ CHECK INTO THE PERMITTING FEES FOR DREDGING, MADE ON A KASTENSON/Ryan MOTION. MOTION CARRIED 5-0.**

**3) Plan Commission Business:**

- a. Top Flight, LLC, Dan Oakes, Member, Consideration and possible action on the following matters associated with Tax Parcel No. 1680421-34-002004 located north of CTH K and west of S. 27<sup>th</sup> Street:

1. Waiver of requirement in the definition of Minor Subdivision that limits land splits for lots under 40-acres to 4 lots over a period of 5 years, request is to allow 5 lots to be created over the 5-year period.
2. Approval of a Certified Survey Map to split a 79.69 acre parcel into two parcels having 39.845 acres each, located north of CTH K and west of S 27<sup>th</sup> Street.

President Kastenson asked why do we fall back on minor subdivisions?

Mr. Barbeau said the code doesn't differentiate between commercial and residential.

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL OF #1 AND #2, WITH RECOMMENDATIONS BY STAFF, MADE ON A RYAN/KASTENSON MOTION. MOTION CARRIED 5-0.**

- b. North Cape Church, 2644 124<sup>th</sup> Street, Consideration and possible action on a request for a Conditional Use Grant amendment to allow for the construction and use of an outdoor open-air pavilion for outdoor church services, picnics, youth activities, outdoor weddings, anniversary parties, etc., site plan, grading plan, architectural plan and plan of operation approval. Tax parcel No. 1680421-19-045000

The Plan Commission approved the request with limitations:

No later than 10 pm

100 decibels

Church to put in some kind of screening to block noise.

President Kastenson asked if there would be lighting in the pavilion?

Mr. Jasperson said that at some time, the church would like electric to the pavilion.

Another neighbor has concerns regarding the frequency of events.

Mr. Jasperson said they would possibly be closing in the pavilion in the future.

Trustee Ryan suggested setting a maximum number of events per year.

**APPROVE PLAN COMMISSION RECOMMENDATION FOR APPROVAL, WITH CONDITIONS, AND ONLY ALLOWING 3 OVER-NIGHT EVENTS A YEAR, AND WAIVING THE VILLAGE PORTION OF PERMIT FEES, MADE ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 5-0.**

- c. Root River Sand and Gravel, LLC, owner, by Thomas Hribar, Consideration and possible action on a request for land disturbance on lands located at the southwest corner of 5 Mile Road and Waukesha Road. Tax Parcel No. 1680421-23-012000.

President Kastenson is unsure why Mr. Hribar would even need a soil disturbance permit. Mr. Hribar said he was informed he needed a soil disturbance permit – he’s already got silt fencing up.

President Kastenson said that Mr. Hribar is simply clearing the trees off of the property to make it, once again, a farm field.

Mr. Barbeau stated that the Plan Commission took no action at this time.

**MOTION TO NOT TAKE ANY ACTION AT THIS TIME, BECAUSE A SOIL DISTURBANCE PERMIT IS NOT NEEDED. MADE ON A SCHWARTZ/GESZVAIN MOTION.**

- d. Joseph Pohlhammer, 2135 76<sup>th</sup> Street, Discussion related to proposed use of four lots he owns adjacent to his property for commercial development, a Community based residential facility and a two-family condominium. Tax Parcel Nos. 1680421-16-015010, 015020,015030 and 015040.

Mr. Pohlhammer was not present for this portion of the meeting.

Mr. Barbeau stated that the north lot – the 2 family building is not allowed by code.

The next property to the South – the community based building would need to follow the State of Wisconsin’s rules.

The next two to the south – the land use plan calls for agriculture and residential – Mr. Pohlhammer would need a land use plan change and then a zoning change.

We cannot and will not deny him the opportunity to make a request.

- e. Violation Considerations:
  - 1. Jose Mora, 8761 W 7 Mile Road, Truck Parking  
President Kastenson said that the Board needs to start having the Sheriff’s Department start issuing citations.  
Gary Boldt stated that Mr. Mora has no conditional use.

- 2. Porfirio and Veronica Sanchez, 915 92<sup>nd</sup> St., Truck Parking

This matter has been taken care of.

#### **4) Village Business:**

- a. **Review/Approval of 2020 Class “C” Fireworks Permit for Phantom Fireworks & Xtreme Fireworks:**

**APPROVED ON A SCHWARTZ/GESZVAIN MOTION. MOTION CARRIED 5-0.**

- b. **Discussion/Decision regarding Waiver Request from Greg Michel to build a shed before a house, at 3625-51<sup>st</sup> Street:**

Mr. Michel was present for the meeting. He will be tearing down a 36 x 45 shed; and rebuilding a 32 x48 shed. He will be putting up a 30 x 50 house with a year after the shed is done. He hopes to start this in the spring.

**APPROVE WAIVER, WITH THE CONDITION THAT A PERMIT FOR THE HOME BE PULLED WITHIN A YEAR OF THE SHED BEING DONE, MADE ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.**

- c. **Discussion/Decision on 2021-2022 Shooting Dates for Fireworks - July 10, 2021 – 8 pm – 10 pm; and January 8, 2022 – 5 pm – 7 pm:**

**APPROVED ON A RYAN/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**d. Discussion/Decision regarding Animal Control Contract:  
APPROVED ON A SCHWARTZ/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**5) Move to Closed session, pursuant to section 19.85(1)(c), Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility, specifically Office Personnel.  
MOTION MADE AT 8:50 PM, ON A SCHWARTZ/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**After discussion regarding the above, the Board moved to open session at 9:00 PM, ON A RYAN/KASTENSON MOTION. MOTION CARRIED 5-0.**

**The meeting was ADJOURNED ON A GESZVAIN/RYAN MOTION AT 9:05 PM.**

**Respectfully submitted,**

**Linda M. Terry  
Village Clerk**