

## VILLAGE BOARD – OCTOBER 25, 2021 – MINUTES

On Monday, October 25, 2021, the Village Board of the Village of Raymond held a public hearing at 7:30 pm, for the of hearing a request by Marjorie Hlava, Managing Trustee for the Kimmel Revocable Trust, owner, by Alan Jaspersen, agent, for a Conditional Use Permit under Section 20-1226 (10) to construct a pole building and operate a snow plow business with salt storage on lands located at 3109 7 Mile Road. Lands are zoned A-2 General Farming and Residential District II. Tax Parcel No. 1680421-12-002000.

**With no one to speak for or against this matter, the Public Hearing was closed at 7:32 PM on SCHWARTZ/GESZVAIN MOTION. MOTION CARRIED 5-0.**

Immediately following the above Public Hearing, the Board held a Public Hearing considering text amendments to the Village Zoning Code to allow truck terminals in the M-2 General Industrial District as a permitted use, and requiring public hearing notices to be sent to properties within 500 feet of properties being rezoned or requesting a conditional use permit.

**Jeff Sweet:** Will this be a universal change for all M-2 zoning?

**President Morgan:** This is just taking the verbiage from M-3 zoning.

**At 7:34 PM, the public hearing on this matter was closed, ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.**

IMMEDIATELY FOLLOWING the above Public Hearing, the Board held a Public Hearing for the purpose of considering a request by Anthony and Carol Janicek, owners, by Joe Jursenas, Briohn Land Development, agent, to rezone vacant lands west of 3205 W 3 Mile Road from A-2 General Farming and Residential District II to M-2 General Industrial District to allow for the operation of a truck terminal, with a repair and service facility. Tax Parcel No. 1680421-36-008000.

**Jeff Sweet:** Once this matter is approved, is there any discussion prior to the conditional uses on the property?

**President Morgan:** There will be no conditional use necessary.

**Jeff Sweet:** What is the timeline for this to happen?

**Tim Barbeau:** Whenever they get their plan in to us.

**Jeff Sweet:** My big concern is bringing trucks down 3 Mile Road. It will be a lot of infrastructure costs.

**President Morgan:** Tonight is just the rezoning.

**At 7:38 PM, the public hearing on this matter was closed, on a SCHWARTZ/THELEN MOTION. MOTION CARRIED 5-0.**

**At 7:39 PM, the Board moved into their regular Board Meeting.**

The Pledge of Allegiance was recited.

Roll call was taken with the following present: Village President, Kari Morgan; Trustees, Doug Schwartz, Tim Geszvain, Mike Thelen and Keith Kastenson. Also present were, Village Clerk, Linda M. Terry; Village Treasurer, Barbara Hill, Village Zoning Administrator, Tim Barbeau; Fire/Rescue Chief, Adam Smith and Asst. Fire/Rescue Chief Kevan Leedle.

The Treasurer's Report was entered into the minutes as follows:

## Treasurer's Report

SEPTEMBER 1 - SEPTEMBER 31, 2021

Community State Bank - General Checking		
Beginning Balance		<b>\$359,196.66</b>
Deposits:	59,939.92	
Disbursements:	288,270.40	
<b>ENDING BALANCE:</b>		<b>\$130,866.18</b>

### OTHER ACCOUNTS:

#### UNRESTRICTED

Community State Bank - Money Market	346,163.59	
State LGIP Fund - Tax Investment	824,695.71	
<b>TOTAL UNRESTRICTED SAVINGS</b>		<b>1,170,859.30</b>
<b>TOTAL UNRESTRICTED FUNDS</b>		<b>1,301,725.48</b>

#### RESTRICTED

Community State Bank - Bond Escrow	94,637.34
Community State Bank Storm Water Utility	51,008.91
Community State Bank Cemetery Fund	28,007.59
Community State Bank Perpetual Care Fund	6,512.00
State LGIP Funds - Bond Escrow	60,362.96
State LGIP Funds - Cemetery	15,108.83
State LGIP Funds - Equipment Reserve	203,245.69
State LGIP Funds - Land Reserve	24,344.48

State LGIP Funds - Raymond SWUD	74,347.66	
State LGIP Funds - Fireworks Bonds	10,627.22	
State LGIP Funds - Fire & Rescue Equip Reserve	327.68	
State LGIP Funds - ARPA	207,422.53	
<b>TOTAL RESTRICTED FUNDS</b>		<b>775,952.89</b>
<b>ALL VILLAGE BANK ACCOUNTS</b>		<b>\$ 2,077,678.37</b>

The Treasurer's report was **APPROVED ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**BILLS PAID FROM :** September 28, 2021 – October 25, 2021: \$354,721.35, **were APPROVED ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**MINUTES FROM PREVIOUS MEETINGS OF:** September 27, 2021, **were APPROVED ON A SCHWARTZ/THELEN MOTION. MOTION CARRIED 5-0.**

**SHERIFF'S REPORT:**

Sgt. Scott Litwin reported that 23 citations were issued the month of September, 2021. The Department is encouraging deputies to be visible at the area schools.

Sgt. Litwin also reported that there have been a number of residents in the County this past week that have fallen victim to a scam/fraud. One person lost \$10,000.00 and the other \$14,000.00. Please share this information with the elderly – they are the people being targeted in this scam.

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

**Please be advised that per Wisconsin Act 123, the Village Board will receive information from the public. Presentations are limited to a two minute time period, with time extensions per the President's discretion, per person. Presentations shall not deal in personalities or personal attacks on members of the Village Board or Village employees. Presentations are not to be designed for purposes of engaging others in a debate in this forum. Persons wishing to speak during public comment must sign in prior to the meeting. There will be a 30 minute time limit for the entire public comment portion.**

**Joe Pohlhammer:**

Has done some checking on the storage unit proposal. This property was divided in 2015; this parcel only has 125 feet of road frontage. Also, what about arterial roads? These units should be on County and State Roads only. There was a conditional use granted to this property in the 70's; the property is being taxed A-2.

**President Morgan:**

Has been informed that after the last monthly meeting, Mr. Pohlhammer gave his contact information (card) to the petitioner for the storage units and offered his (Mr. Pohlhammer's) property for sale.

**Sandi Demant** would like to propose a lower speed limit on Waukesha Road; she would like a posted speed limit on Waukesha Road. There is a portion of Waukesha Road that is posted for 35 mph – she would like it uniform.

**Jennifer Schmidt** has done some research regarding storage units. They are supposed to be on County Trunk Highways. Where this storage facility is proposed, it is not an arterial road. Also, under Act 67, the property owner must show a hardship if request is not approved.

**Brandon Hedrington** is new to the community. There are a lot of new houses being built in this Village. A storage facility is a good idea. There is minimal traffic for storage units.

**Art Binhack** Act 67 puts the burden on the community. The Village Board must have a substantial reason to deny this request. 2126 Waukesha Road is a residential area. There are no other storage units in residential areas; they are all near commercial or industrial areas. This particular property has not been used as a business in a very long time. The last 14 years or more, this has been all residential in the area.

**1) Fire Department Business:**

Chief Smith reported that one of the rigs broke down during pump testing.

Also, the Fire Department Association wrote a check for \$8000.00 for some equipment for the new rig.

**2) Storm Water Utility District:**

**a. Discussion/Decision on drainage for village hall north parking lot:**

Joe Pohlhammer is concerned about water running off the parking lot, on to his property – it is flooding his field. A few years ago, then Village President, Gary Kastenson suggested all the way down. The DPW put in a French drain.

At this point, Trustee Kastenson told Mr. Pohlhammer that he had taken pictures just this morning (while it was raining), showing there is no flooding on Mr. Pohlhammer's property, but, in fact, the water is on Village property. A portion of the parking lot runs to Mr. Pohlhammer's property; however, you cannot stop water from running down hill.

Mr. Pohlhammer bought the property in 1988, and has never had an issue with water until now? Why?

President Morgan read minutes from October 26, 2020, stating: "MOTION TO HAVE ALL LAND OWNERS CONTRIBUTING TO THE TILE, AGREE TO PAY FOR THE PROBLEM, MADE ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 4-0." This was the specific motion wherein action was taken on the same complaint from Mr. Pohlhammer a year ago. She asked if Mr. Pohlhammer had ever spoken to the other land owner? The French drain is working.

Mr. Pohlhammer said that he cannot continue to take on all this water.

Trustee Schwartz said that there is more erosion being done to the Village property.

President Morgan said the Village will not be fixing people's tiles.

**LEAVE DRAINAGE THE WAY IT IS ON THE NORTH PARKING LOT, MADE ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 5-0.**

### 3) Plan Commission:

- a. Kastenson Farms, LLC, by Julie Kastenson, Registered Agent; Consideration and possible action on a request for approval of a Certified Survey Map to split lands located at 2827 96<sup>th</sup> Street. Tax Parcel No. 1680421-20-015010.

At this time, Trustee Kastenson excused himself for this agenda item.

Mr. Barbeau stated that this is a simple land split – there will be 5 acres and 250 feet of road frontage.

**APPROVE CSM WITH NO SOIL TEST NECESSARY, AND ALSO, ADHERING TO ANY COMMENTS MADE BY THE ZONING ADMINISTRATOR, MADE ON A SCHWARTZ/MORGAN MOTION. MOTION CARRIED 4-0, WITH TRUSTEE KASTENSON ABSTAINING.**

- b. Eric Vesel, 655 92<sup>nd</sup> Street; Consideration and possible action on a request for approval of a Certified Survey Map to split lands located at 655 92<sup>nd</sup> Street. Tax Parcel No. 1680421-05-027000.

Mr. Barbeau said this is a 17 acre parcel being split into an 11 acre and a 6 acre.

**APPROVE CSM WITH SOIL TEST BEING DONE (this is already done), AND, ADHERING TO ANY COMMENTS MADE BY THE ZONING ADMINISTRATOR, MADE ON A KASTENSON/THELEN MOTION. MOTION CARRIED 5-0.**

- c. ETC Investments, Inc. by Christina Bass; Consideration and possible action on a request for approval of a Certified Survey Map to split lands located at 4532 80<sup>th</sup> Street. Tax Parcel No. 1680421-33-041000.

**Plan Commission - No Action Taken – this will be resubmitted. TABLE ON A GESZVAIN/KASTENSON MOTION. MOTION CARRIED 5-0.**

- d. Village of Raymond; Consideration and possible action on an amendment to the Village Zoning code to allow truck terminals with repair and servicing in the M-2 General Industrial District as a permitted use and to set the public hearing notice notification distance at 500 feet for zoning amendments and conditional uses.

Mr. Barbeau stated that a conditional use permit would still be needed if the property requesting the truck terminal, is within 500 feet of a highway.

**APPROVE AMENDMENT TO THE VILLAGE'S ZONING CODE, MADE ON A GESZVAIN/SCHWARTZ MOTION. MOTION CARRIED 5-0.**

- e. Tony Janicek 3205 W. 3 Mile Road, owner; by Joe Jursenas, Briohn Land Development Corp., agent; Consideration and possible action on a request for approval of a Certified Survey Map to split lands located at 3205 W. 3 Mile Road into 3 parcels. Tax Parcel No. 1680421-36-008000.

It was stated that Lot #1 will become an outlot – which will mean it will remain an unbuildable lot; this will be stated on the CSM.

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

- f. Tony Janicek 3205 W. 3 Mile Road, owner; by Joe Jursenas, Briohn Land Development Corp., agent, Consideration and possible action on a request to amend the zoning map of the Village of Raymond from A-1 Farmland Preservation and A-2 General Farming and Residential District II to M-2 General

Industrial District on 22.34 acres of vacant land located west of 3205 W. 3 Mile Road. Tax Parcel No. 1680421-36-008000.

The creation of this lot is the middle lot – the Land Use Plan calls for this to be industrial, which includes M-2.

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

- g.** Marjorie Hlava, Managing Trustee of the Mary E. Kimmel Revocable Trust 4/7/15, owner, by Alan Jasperson, agent, Ray Pollina, operator; Consideration and possible action on a request for a Conditional Use Permit to operate a snow plow with salt storage operation on lands located at 3109 7 Mile Road. Tax Parcel No. 1680421-12-002000.

This is for snow plow trucks and a temporary salt shed. Once the shed would become a permanent structure, Caledonia will need to see the plans.

**MOTION TO APPROVE, MADE ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**4) Village Board:**

- a.** Board Approval of Proposed 2022 Budget Figures:

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

- b.** Scott J. Brenton Revocable Trust dated September 16, 2008, owner, by Jeff and Lori Burnett, 1306 43<sup>rd</sup> Street, applicant, Re: Consideration and possible action on a request to approve a Conditional Use Permit, site/grading plan, landscape, lighting, architectural and plan of operation to operate a self-storage facility on lands located at 2126 Waukesha Road. Tax Parcel No. 1680421-15-028000. (Tabled from September 27, 2021)

**MOTION TO REMOVE FROM THE TABLE, MADE ON A SCHWARTZ/GESZVAIN MOTION. MOTION CARRIED 5-0.**

Mr. Barbeau stated that he did receive a letter from the assessor. There would be no negative impact on the values of the neighboring properties.

He has also received a traffic study that was done – this will not have a negative impact on the traffic flow in this area.

Finally, Mr. Barbeau has received documentation from the Sheriff's Department – there have not been any thefts or burglaries in any storage units west of the interstate this year.

**Jeff Burnett** spoke at this time – stated that he wants to bring a business into the area. He has had people threaten him and his partner. They have done everything that was asked of them. The Plan Commission passed this request unanimously last month. He also reiterated the fact that after the last Board meeting, Joe P. handed Jeff a card with contact information if Jeff wanted to buy property from him for a storage unit, if the Waukesha Road site is not approved.

Trustee Schwartz asked, if there is a problem in the future with this, can the Board ask that a fence be put up?

Mr. Barbeau said the Board could make it part of the conditional use approval.

Trustee Kastenson asked about a landscaping plan.

Mr. Burnett said that the west side of the property is all blacktop.

Trustee Thelen asked if the neighbor would want plantings or fencing?

Mr. Burnett said the neighbor has not specified.

Trustee Schwartz suggested planning arborvitae on the whole south side.

President Morgan asked about a drainage plan.

Mr. Barbeau said that all of the water runs to the East – there are swales between the buildings. These buildings will not change the drainage patterns.

Mr. Barbeau would consider Waukesha Road an arterial road.

Trustee Geszvain asked what other businesses could possibly go onto this property without any conditional use at all?

It was stated such things as taverns, mortuary, restaurant, liquor store, adult entertainment, etc., There are quite a number of things that can go into this zoning without a conditional use.

Asst. Fire/Rescue Chief, Kevan Leedle would like to make sure that the address is posted on this property for emergency services

Mr. Burnett has also showed the plans to the Village's Fire Inspectors and they do not have a problem with it.

**GRANT CONDITIONAL APPROVAL, WITH THE FOLLOWING CONDITIONS:**

**NO OUTSIDE STORAGE**

**HOURS – MONDAY THROUGH SATURDAY, 8:00 AM – 7:00 PM**

**SUNDAY – 8:00 AM – 4:00 PM**

**COME BACK WITH WHAT YOU ARE PLANTING (he would suggest**

**Arborvitae),**

**MADE ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.**

- c. Discussion/Decision regarding Ordinance 2021-10-25A – An Ordinance to amend certain sections of Chapter 20, zoning of the Village of Raymond Municipal Code related to the allowance of truck terminals as a permitted use in the M-2 General Industrial Zoning District and setting forth the distance from a property for which all zoning amendment and conditional use public hearing must be noticed:

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

- d. Discussion/Decision regarding Ordinance 2021-10-25b – An Ordinance to Amend the Zoning Map of the Village of Raymond from A-1 Farmland Preservation and A-2 General Farming and Residential District II to M-2 General Industrial District on lands located in the Northwest 1/4 of the Northeast 1/4 and the Northeast 1/4 of the Northwest 1/4 of Section 36, Town 4 North Range 21 East, Village of Raymond, Racine County, Wisconsin (part of the Janicek property):

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

**At 8:56 PM, the meeting was ADJOURNED ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.**

Respectfully submitted,

Linda M. Terry  
Village Clerk  
Village of Raymond