

## VILLAGE BOARD SEPTEMBER 27, 2021

**The Village Board of the Village of Raymond will hold three public hearings on Monday, September 27, 2021, at 7:30 PM, at 2255-76<sup>th</sup> Street.**

The purpose of the hearing is to consider a request by Marjorie Hlava, Managing Trustee for the Kimmel Revocable Trust, owner, by Alan Jasperson, 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.

**Alan Jasperson** would like this matter tabled until next month.

**TABLE THIS MATTER UNTIL THE OCTOBER MEETING, MADE ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.**

Immediately following the first Public Hearing, the Board will move on to the second Public Hearing. The purpose of this hearing is to consider 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-3 Heavy Industrial to allow for the operation of a truck repair and storage facility. Tax Parcel No. 1680421-36-008000.

**Jeff Sweet:** Has property across the street. We have quite a few of these developments in the Village already. I am not opposed to the business, but, I AM opposed to the zoning going to M-3. I am not necessarily opposed to the plan, but, I don't want to see M-3 zoning in this area. M-3 zoning would allow things such as, asphalt plants, scrap yards, wrecking yards, etc. Could this be done in M-2 zoning with a conditional use? He also wanted to know if Caledonia would be weighing in on the development?

**Tim Barbeau:** Caledonia will still be involved in the zoning and site plan of this property.

**Joe Pohlhammer:** Feels the Board should have more information before giving M-3 zoning verbally. This should have been looked into far more. M-3 zoning will have trucks coming in there 24/7; who will be responsible for upgrading the roads? We do not have the month for that.

**Joe Jursenas:** Said the purpose of M-3 zoning is for truck terminals. Empty trailers will be leased – we want the yards empty. We will submit conditional use paperwork.

**Tim Barbeau:** Dan Oakes terminals were allowed under the B-3 zoning – the County approved them.

**President Morgan:** Asked if a conditional use would be optional under B-3 zoning?

**Tim Barbeau:** If the Village doesn't want M-3 zoning, then, we can just get rid of it in the zoning.

**Joe Jursenas:** As far as the roads go, we will have a traffic study done, and, we will pay if the roads needs to be built up. The building itself will be 120 feet wide; there will be 128 stalls.

**Bill Wilson:** A few years ago, someone came to the Board asking for M-3 zoning on Highway 45 and 7 Mile road and the Board turned them down.

**Joe Pohlhammer:** How did the use get through for Dan Oakes? Also, we are not getting any money for any of the trucks that are coming into our Town.

**President Morgan:** Asked about M-2 zoning

**Tim Barbeau** It is not listed in the code.

**Joe Jursenas:** The Village's Master Plan has this property as being industrial.

**Jeff Sweet:** M-3 zoning is a bit much. This property is directly next to a wetland.

**Joe Jursenas:** We are ready to move dirt this year to start the project.

**Scott Brenton** There is a compost company that has M-3 zoning and it has a deed restriction added to the property.

**This Public Hearing was closed:**

Immediately following the second Public hearing, the Board will move on to the third Public Hearing. The purpose of the hearing is to consider a request by Jeff and Lori Burnett, 1306 43<sup>rd</sup> Street, Raymond, for a Conditional Use Permit to allow the construction and operation of a self-storage business on property owned by the Scott J Brenton Rev Trust, located at 2126 Waukesha Road. The land is zoned B-3 Commercial Service District. Tax Parcel No. 1680421-15-028000.

**Andrew Siemers** Owns the property directly in front of this property; my biggest concern is the value of my property. Also, my property is also zoned as B-3 – it was originally part of the subject property. Can I level my house and build storage units?

**Jeff Sweet** Feels this sort of use would be better suited for along the interstate. It just doesn't fit in this area.

**Mark & Jennifer Hribar** Doesn't feel it is the best place for this. Will there be a fence? What about the drainage? There are already wash-outs on my property; this just doesn't belong in this area. We are also risking the security of the area. The Land Use Plan has this property as Residential.

**Shelly Belanger** This would promote theft, vandalism and additional traffic. I have a special needs son and we like to go for walks on Waukesha Road.

**Art Binhack** doesn't feel that this conforms with the neighborhood. We are already seeing additional traffic.

**Jean Babe** We already have so much traffic on the road. We do not know what type of people this will bring to the area. I don't think this is a good spot for this.

**William Klitzke** Many years ago, Fohr's Meat Market burned down and there has not been anything there since then. Since that time, there have been homes built. Until the Board gets some details, I urge you to table this matter. This doesn't need to be in a residential area; it needs to be out on the interstate.

**Mr. Durske** said that he just moved into their home last year – he lives directly across the road from this proposed use. He doesn't think it should be in this area.

**At this time, the public hearing was closed.**

Immediately following the last public hearing, the Board held their regular monthly meeting.

The Pledge of Allegiance was recited.

Roll call was taken as follows: Present were, President Kari Morgan; Trustees, Doug Schwartz, Mike Thelen, Tim Geszvain and Keith Kastenson. Also present were, Village Clerk, Linda M. Terry; Village Zoning Administrator, Tim Barbeau; Village Engineer, Chris Stamborski and Village Asst. Fire/Rescue Chief, Jake Dinauer.

### **TREASURER'S REPORT**

#### **AUGUST 1 - AUGUST 31, 2021**

Community State Bank - General Checking		
Beginning Balance		<b>\$108,757.76</b>
Deposits:	397,665.54	
Disbursements:	147,226.64	
<b>ENDING BALANCE:</b>		<b>\$359,196.66</b>

#### **OTHER ACCOUNTS:**

##### **UNRESTRICTED**

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Community State Bank - Money Market	346,140.83	
State LGIP Fund - Tax Investment	624,663.60	
<b>TOTAL UNRESTRICTED SAVINGS</b>		<b>970,804.43</b>

##### **TOTAL UNRESTRICTED FUNDS**

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**1,330,001.09**

##### **RESTRICTED**

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Community State Bank - Bond Escrow	95,633.40	
Community State Bank Storm Water Utility	60,132.55	
Community State Bank Cemetery Fund	23,125.60	
Community State Bank Perpetual Care Fund	6,511.73	
State LGIP Funds - Bond Escrow	60,360.31	

State LGIP Funds - Cemetery	15,108.17	
State LGIP Funds - Equipment Reserve	203,236.77	
State LGIP Funds - Land Reserve	24,343.41	
State LGIP Funds - Raymond SWUD	74,344.40	
State LGIP Funds - Fireworks Bonds	10,626.75	
State LGIP Funds - Fire & Rescue Equip Reserve	327.67	
State LGIP Funds - ARPA	207,413.42	
<b>TOTAL RESTRICTED FUNDS</b>		<b>781,164.18</b>
<b>ALL VILLAGE BANK ACCOUNTS</b>		<b>\$ 2,111,165.27</b>

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

BILLS PAID FROM : August 24, 2021 – September 27, 2021: \$97,780.06; SWUD – 9126,07: WERE APPROVED ON A GESZVAIN/KASTENSON MOTION. MOTION CARRIED 5-0.

MINUTES FROM PREVIOUS MEETINGS OF: August 23, 2021, WERE APPROVED ON A KASTENSON/SCHWARTZ MOTION. MOTION CARRIED 5-0.

**SHERIFF'S REPORT:**

Sgt. Scott Litwin was present for the meeting. He read his report and also reported to the Board that there is an increase in thefts lately – people are stealing catalytic converters.

**PUBLIC COMMENT –**

**Joe Pohlhammer** Stated that the field tile behind the Village Hall needs to be replaced. Also, grades were supposed to be shot on the Village Hall parking lot. I handed John Ertl documentation. Also, the water comes down the driveway between my property and the diamond. He wants to make sure that this is not overlooked if the Village is going to be re-doing their parking lots.

**1) Fire Department Business:**

Asst. Chief Dinauer reported the department received the sum of \$65,000.00 in grant monies for the portable radios.

**2) Storm Water Utility District:**

Trustee Schwartz reported that the SWUD is working on finalizing the 2022 projects.

**3) Plan Commission:**

- a. Jose Sandoval, owner, Gregg Blando, applicant, Re: Consideration and possible action on the approval of a Certified Survey Map to split lands located at 1459 Waukesha Road, Tax Parcel No. 1680421-10-054000.

Mr. Barbeau stated that this is to make two parcels – one will be 5 acres and one will be 9.45 acres.

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE 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.

Mr. Barbeau stated that this is in B-3 zoning district, but it would need a conditional use; also, there is a mutual easement for the driveway. There would be no outside storage; any construction vehicles would need to come from Highway "G"; these will be long-term renters. Mr. Barbeau also stated that he still needs to see detailed grading plan; landscaping plan; there would be a fence required; also, the building plans need to come back.

**DENY REQUEST, MADE ON A TIM GESZVAIN MOTION. MOTION DIED FOR LACK OF A SECOND.**

President Morgan asked what can be done on this property without approval from the Board?

Mr. Barbeau stated that, because it IS zoning B-3 zoning, he could have hotel, stores, commercial service, etc. There is a very long list of things that he could have on this property.

Trustee Schwartz asked how Act 67 pertains to this matter?

Mr. Barbeau handed out a packet of paper referring to Act 67; in it, it states that you cannot take away someone's zoning "just because". You must have proof of hardship that this may cause you. You would need to prove that traffic will increase; or, prove that your property value will drop.

Trustee Thelen asked how big these storage buildings will be?

He was told they would be 40 foot buildings with 8 foot sidewalls.

Trustee Thelen asked the Sheriff's Sgt., about break-ins?

Sgt. Litwin stated that sometimes these developments attract some thefts.

Mr. Pohlhammer stated that a few years ago, he attended a meeting where RA Smith had done a traffic study on Waukesha Road.

**APPROVE PLAN COMMISSION'S RECOMMENDATION FOR APPROVAL, MADE ON A KEITH KASTENSON MOTION. MOTION DIED FOR LACK OF A SECOND.**

**TABLE THIS MATTER, MADE ON A GESZVAIN/SCHWARTZ MOTION. MOTION CARRIED 5-0.**

- c. Tony Janicek 3205 W. 3 Mile Road, owner; by Joe Jursenas, Briohn Land Development Corp., agent, Re: Consideration and possible action on a request to amend the zoning map of the Village of Raymond from A-2 General Farming and Residential District II to M-3 Heavy Industrial on 21.98 acres of vacant land located west of 3205 W. 3 Mile Road. Tax Parcel No. 1680421-36-008000.

Trustee Schwartz asked what it would take to change the code to allow the truck terminal in the M-2 zoning.

Mr. Barbeau stated that there should be no problem with a truck terminal in the M-2 zoning. We can make a code change to allow this.

It was stated that this is similar to what Dan Oakes has on the interstate – that was never zoned M-3 – that is also M-2.

Mr. Barbeau stated that conditional use was granted prior to the Town becoming a Village – thus, Racine County granted that conditional use. He is unsure of any reasons for that approval.

**DENY REQUEST OF M-3 ZONING, AND AUTHORIZE STAFF TO WORK ON HAVING THE CODE CHANGED TO M-2 ZONING, MADE ON A GESZVAIN/SCHWARTZ MOTION. MOTION CARRIED 4-1, WITH TRUSTEE KASTENSON OPPOSING.**

Trustee Kastenson asked if the zoning could just be changed for that property?

- d. Majorie Hlava, Managing Trustee of the Mary E. Kimmel Revocable Trust 4/7/15, owner, by Alan Jasperson, agent, Re: 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 ITEM WAS PREVIOUSLY TABLED.**

- e. Consideration and possible action on a communication from Kevin J. Clark, Schober, Schober and Mitchell, S.C. on behalf of Xcel, LLC, regarding Cale's Automotive, 1518 124<sup>th</sup> Street.

Mr. Barbeau has requested paperwork from Cale's. The Plan commission decided to give him extra time to turn in his paperwork.

The Village has received a letter from Mr. Clark regarding Cale's.

**TABLE THIS MATTER, MADE ON A GESZVAIN/SCHWARTZ MOTION. MOTION CARRIED 5-0.**

#### **4) Village Board:**

- a. Set date for Budget Workshop / October 18, 2021

**Budget Workshop date will be October 18<sup>th</sup> at 7:30 PM, MADE ON A SCHWARTZ/THELEN MOTION. MOTION CARRIED 5-0.**

- b. Operator Licenses pending clear record checks:

Keli Johnson                      Holly Barron                      Nicole Capece

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

- c. Discussion/Decision regarding Sheriff's Department Contract for 2022:

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

- d. Discussion and possible action to direct staff/Village Engineer – status of Boldt Drive Pond.

Mr. Stamborski spoke of the cattails that could be causing the problem. He also stated that the Homeowner's Association is responsible for the fix.

**AUTHORIZE CHRIS STAMBORSKI FROM RA SMITH NATIONAL, TO WORK WITH THE HOMEOWNER'S ASSOCIATION REGARDING THIS MATTER MADE ON A KASTENSON/THELEN MOTION. MOTION CARRIED 5-0.**

**e. Discussion/Decision regarding setting Trick or Treat hours:  
SET TRICK OR TREAT HOURS ON SUNDAY, OCTOBER 31<sup>ST</sup> FROM 5:30 – 7:30 PM,  
MADE ON A SCHWARTZ/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**f. Discussion/Decision regarding Resolution 2021-09-27 – A resolution to Establish  
wards as part of the redistricting process in 2021:  
APPROVED ON A KASTENSON/GESZVAIN MOTION. MOTION CARRIED 5-0.**

**g. Discussion/Decision regarding authorizing John Ertl, from Raymond's DPW, to  
have electric meter and panel fixed inside fenced area on East fence line on  
Village Property at shop address:  
APPROVED ON A KASTENSON/SCHWARTZ MOTION. MOTION CARRIED 5-0.**

**h. Discussion/Decision regarding authorizing John Ertl from Raymond's DPW, to  
get quotes for repaving the Village Parking lot:  
AUTHORIZE JOHN ERTL TO GET QUOTES FOR THE PARKING LOT, WITH THE  
WATER BEING DIVERTED AWAY FROM NEIGHBOR'S PROPERTY, MADE ON A  
GESZVAIN/THELEN MOTION. MOTION CARRIED 5-0.**

**i. Discussion/Decision regarding agreement with Franklin on road maintenance for  
8 Mile Road:  
Trustee Schwartz stated that he is not in favor of this agreement.  
Mr. Stamborski has spoken with John Ertl, DPW foreman, and, John did not have a  
problem with the agreement, due to the future maintenance of the bridge. Mr. Ertl was adamant  
that the Village of Raymond get the West three miles.  
Trustee Schwartz said that Franklin should at least tar the cracks in the road on the  
West side of 76<sup>th</sup> Street.  
**APPROVE AGREEMENT WHEREIN RAYMOND WILL MAINTAIN THE 3 MILES ON 8  
MILE ROAD THAT ARE WEST OF 76<sup>TH</sup> STREET; AND FRANKLIN WILL MAINTAIN THE 2  
MILES EAST OF 76<sup>TH</sup> STREET, MADE ON A GESZVAIN/KASTENSON MOTION. MOTION  
CARRIED 5-0.****

**At 9:21 PM, the meeting was ADJOURNED ON A GESZVAIN/KASTENSON  
MOTION. MOTION CARRIED 5-0.**

**Respectfully submitted,**

**Linda M. Terry  
Village Clerk  
Village of Raymond**