

VILLAGE BOARD MEETING – OCTOBER 23, 2023

The Village of Raymond held the following public hearings on Monday, October 23rd at 7:30 pm. Before beginning the hearings, Village Attorney Luke Martell described the process and order for the hearings, and stated that a decision would be made by the Board for each hearing after evidence and deliberation.

Village of Raymond, 2255 76th Street, Franksville, WI 53126: Consideration of the revocation of a conditional use permit for the parking of two (2) dump trucks in the A-2 agricultural district by the occupant per Section 20-1166 (b) (2) of the Village Zoning Ordinance on property located at 915 92nd Street (Property owner: Porfirio Sanchez and Veronica Sanchez). Tax Parcel No 168-04-21-08-001-010.

Zoning Administrator Orrin Sumwalt presented evidence for the revocation hearing, providing the history of the granting of the conditional use permit, and stating that the conditions were violated repeatedly by parking dump trucks outside and by parking more than two dump trucks, which is the maximum number allowed. He also provided documents from the trucking company, as well as a letter and minutes noting the prior violations.

Gary Boldt was called as a witness, and stated he believes they have been violating the permit from day 1, and states that other neighbors have complained. He has witnessed up to 11 trucks on the property at one time, and regularly on the weekend has seen 5 or 6 trucks, and believes they are being serviced at the property. He said he attempted to take photos, but that they didn't come out well on his phone.

The property owners were called on to present evidence, and were not present at the meeting. Village Attorney Luke Martell stated they had sent an email earlier that day with a statement for the meeting. He explained that they had been scheduled to appear the prior month and had notified the board the same day that they were unable to attend. They had then been provided proper notice to appear to the current hearing, as well as an additional letter sent by the Clerk's office, and had chosen to appear only in the form of a written statement.

The evidentiary portion of the meeting ended at 7:43 pm.

The Board deliberated the matter. Several points were brought up, including a question for whether they could have regular checks for a period of time, and Luke Martell stated that new conditions could not be placed on the current permit. The agreement states they could be inspected with notice. It was brought up that a court stipulation in 2021 told them not to violate again. It was also noted that something could be found that was wrong with any conditional use permit, and if it really was only two violations in six years, that could probably hold true for any permit holder. It was brought up that there are no photos of violations. It was asked whether the Village could recoup the costs of the time put into the current process. It was suggested that it makes sense that the board should revoke the permit and have them reapply with new conditions. It was stated that their letter didn't dispute any of the evidence, but didn't give the board the opportunity to ask questions. **MOTION TO REVOKE AND ALLOW THE OWNERS TO REAPPLY WITH POSSIBLE NEW CONDITIONS, ON A WILSON MOTION. MOTION DID NOT PROCEED DUE TO LACK OF A SECOND.**

Could the Village send a letter stating they were in violation and would be watched closely, and could use other enforcement method, which could involve recouping costs? Luke

Martell stated the recouping of fees could only be associated with a new conditional use permit because it was not part of the current one.

MOTION TO NOT REVOKE DUE TO NOT ENOUGH EVIDENCE, BECAUSE THERE ARE NO PHOTOS ON A KASTENSON/SCHWARTZ MOTION.

It was discussed that a current condition is that they Village could require the owners to appear in front of them to address complaints and direct them to make corrective measures, and could use citations and long form summons complaints as further enforcement.

MOTION WAS VOTED ON AND CARRIED 3-2.

Village of Raymond, 2255 76th Street, Franksville, WI 53126: Consideration of the revocation of a conditional use permit for the parking of two (2) dump trucks in the A-2 agricultural district by the occupant per Section 20-1166 (b) (2) of the Village Zoning Ordinance on property located at 9713 W. 7 Mile Road (Property owner: Luis Sanchez Mora and Martha Sanchez). Tax Parcel No 168-04-21-08-004-060.

Zoning Administrator Orrin Sumwalt presented evidence for the revocation hearing, providing the history of the granting of the conditional use permit, and stating that the conditions were violated repeatedly by parking dump trucks outside and by parking more than two dump trucks, which is the maximum number allowed. He also provided state and federal documents for the trucking company, and other documents detailing past violations.

Gary Boldt was called as a witness, and initially declined to testify, but agreed that he had seen trucks every Friday in the Winter.

The owners were present with their attorney. The attorney stated the owners agreed that there were violations in the winter which could be explained, but that there were no issues in the past seven months.

Ms. Sanchez stated the violations were due to flooding in her house, which required moving all her belongings so they had to be moved into the barn, and so the trucks had to be outside. The timing was from December to March before it was finished.

She stated the violation in 2018 was corrected, and that any violations had been corrected.

The owners were asked about the large number of cars in the yard, and stated she was working with a dealer who took them occasionally. She was told it was not a good idea and that she shouldn't have unlicensed vehicles on the property. She agreed to move them. The owners were asked whether there were currently only two trucks that were parked inside, and they responded yes, and that they leave in the morning with them and come back later in the day.

The evidentiary portion of the meeting ended at 8:14 pm.

Doug Schwartz stated he drives that way and has not seen a truck all summer.

MOTION TO NOT REVOKE ON A SCHWARTZ/WILSON MOTION. MOTION CARRIED 5-0.

The Village Board was called to order at 8:14 PM. The Pledge of Allegiance was recited.

Roll call was taken as follows: Present were, President, Kari Morgan; Trustees, Doug Schwartz, Mike Thelen, Bill Wilson, and Keith Kastenson. Also present were, Village Clerk/Administrator, Barbara Hill; Village Treasurer, Jeni Schroepfer, Zoning Administrator, Orrin Sumwalt and Village Attorney Luke Martell.

The Treasurer's Report as follows:

Village of Raymond Treasurer's Report

September 1-30, 2023

Community State Bank - General Checking		
Beginning Balance		\$53,120.50
Deposits:	197,902.53	
Disbursements:	134,544.92	
ENDING BALANCE:		\$116,478.11
OTHER ACCOUNTS:		
UNRESTRICTED		
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Community State Bank - Money Market	28,106.34	
State LGIP Fund - Tax Investment	1,283,908.71	
TOTAL UNRESTRICTED SAVINGS		1,312,015.05
TOTAL UNRESTRICTED FUNDS		1,428,493.16
RESTRICTED		
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Community State Bank - Bond Escrow	137,419.25	
Community State Bank Storm Water Utility	32,662.85	
Community State Bank Cemetery Fund	43,934.42	
Community State Bank Perpetual Care Fund	9,891.66	
State LGIP Funds - Bond Escrow	3,628.70	
State LGIP Funds - Cemetery	9,076.14	
State LGIP Funds - Equipment Reserve	20,156.46	
State LGIP Funds - Land Reserve	5,661.57	
State LGIP Funds - Raymond SWUD	44,903.69	
State LGIP Funds - Fireworks Bonds	1,202.16	
State LGIP Funds - Fire & Rescue Equip Reserve	345.40	
State LGIP Funds - ARPA	99,261.59	
TOTAL RESTRICTED FUNDS		828,143.89
ALL VILLAGE BANK ACCOUNTS		\$ 2,256,637.05
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APPROVED AS PRESENTED ON A SCHWARTZ/WILSON MOTION. MOTION CARRIED 5-0.

BILLS PAID FROM: September 25, 2023 – October 22, 2023; Village = \$84,347.50;
Storm Water Utility District = \$2493.75.

APPROVED ON A THELEN/KASTENSON MOTION. MOTION CARRIED 5-0.

MINUTES FROM PREVIOUS MEETING OF: September 25 and October 12.

APPROVED AS PRESENTED ON KASTENSON/SCHWARTZ AND WILSON/THELEN MOTIONS, RESPECTIVELY. MOTIONS CARRIED 5-0.

SET AGENDA Item #1 from the Plan Commission Business will be moved to follow the Sheriff's report.

SHERIFF'S REPORT

Written report was presented to the Board. The board had no questions.

PLAN COMMISSION BUSINESS: (as per Set Agenda)

1. Daniel Otzelberger, W124 S10629, S. 124th Street, Muskego, WI 53150. Property owner: Emerald Park Landfill, LLC). Consideration and possible action on a request for a soil disturbance permit for Emerald Park Landfill, LLC for a mass stockpile location on property located at 2308 124th Street. Tax Parcel Nos.168-04-21-18-011-000 and 168-04-21-18-015-000.

President Morgan reported that the Planning Commission denied the request based on the stockpiling ordinance, as well as the associated noise and the height of the pile.

Mr. Otzelberger stated that the proposal is consistent with past activities in the late 1990s and/or early 2000s at the site, and that the company at that time had taken care in restoration. He stated they had addressed Orrin's concerns and that the company would have no issues with following the conditions placed if the permit were issued, including those to address the noise and dust associated with the type of activity.

Keith Kastenson asked why it would be a good idea for the Village to allow it, and how would it benefit the community?

Mr. Otzelberger responded that he couldn't speak to direct benefits for the Village, but that it would benefit the landfill that services many communities.

Keith Kastenson responded that the landfill that services our community pays us and also services our community, and that he didn't think it was a good idea to allow the (Emerald Park) landfill to do this.

Doug Schwartz stated that the Town did not have a soil disturbance ordinance at the time the past activities occurred, and that the current dirt pile would not be present if the ordinance had been in effect at the time.

MOTION TO DENY ON A KASTENSON/SCHWARTZ MOTION. MOTION CARRIED 5-0.

PUBLIC COMMENT - None

FIRE DEPARTMENT REPORT

Fire Captain Kevan Leedle handed out a call report and briefly reported on it. He also stated that the department had a training burn on Hwy G, had a first meeting with Keller for the needs assessment and that Keller is planning on touring a few local Fire Departments with some of the staff.

STORMWATER UPDATES

The committee is working on four areas of winter cleanup and talking to the property owners.

PLAN COMMISSION BUSINESS: (continued from above)

2. Joshua Hagen, 5595 312th Avenue, Salem, WI 53168. Property owners: Corey S. Niles and Anna M. Kaczmarczyk. Consideration and possible action on a request for a soil disturbance permit for Corey Niles and Anna Kaczmarczyk for the construction of a new single-family residence on property located at 2657 Waukesha Road. Tax Parcel No. 168-04-21-23-014-030.

President Morgan reported that the planning commission approved with no additional conditions

MOTION TO APPROVE ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.

3. Miscellaneous Zoning Administrator Updates
Zoning Administrator Orrin Sumwalt stated that he was pursuing several zoning enforcement matters, including some involving commercial vehicles.

VILLAGE BOARD BUSINESS:

1. Discussion/Decision on revocation of a conditional use permit for the parking of two (2) dump trucks in the A-2 agricultural district by the occupant per Section 20-1166 (b) (2) of the Village Zoning Ordinance on property located at 915 92nd Street (Property owner: Porfirio Sanchez and Veronica Sanchez). Tax Parcel No 168-04-21-08-001-010;
See decision from Public Hearing above

2. Discussion/Decision on revocation of a conditional use permit for the parking of two (2) dump trucks in the A-2 agricultural district by the occupant per Section 20-1166 (b) (2) of the Village Zoning Ordinance on property located at 9713 w. 7 Mile Road (Property owner: Luis Sanchez Mora and Martha Sanchez). Tax Parcel No 168-04-21-08-004-060;
See decision from Public Hearing above

3. Discussion/Decision for OneEnergy solar projects regarding selection of drain tile surveyor and third-party engineering firm for decommissioning;

MOTION TO MOVE THE ITEM OFF THE TABLE ON A SCHWARTZ/THELEN MOTION. MOTION CARRIED 5/0.

Keith Kastenson stated he wanted there to be a detailed drain tile survey, hopefully ending up with a drain tile map of the properties. He asked that Nielsen, Madsen & Barber to be brought in to consult with the drain tile contractor, and also to provide direction to the surveyor on how the Village would like the survey to be performed.

MOTION TO APPROVE ROMAN'S GRADING IN CONSULTATION WITH NIELSEN, MADSEN & BARBER, AND A LETTER OF INSTRUCTION FROM FOTH ON A KASTENSON/THELEN MOTION. MOTION CARRIED 5-0.

For the third-party engineering firm for decommissioning, the board agreed that they wanted to go with the suggestion from Foth.

MOTION TO APPROVE STANTEC FOR THE DECOMMISSIONING ENGINEER ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.

4. Discussion/Decision on Racine County Board of Drainage Commissioners proposed five-year assessment.
The Board discussed the assessment with Alan Jaspersen and Mark Madsen, who were

present in the audience. They confirmed that starting in the 2024 tax year, with the first payment due in February of 2025, the assessment could be paid in five equal annual installments in the amount of \$128,870.28 per year. Mr. Jasperson was asked what would happen if Union Grove won their lawsuit against the County, and he stated that the remaining available funds will be used to clean as much of the waterway as possible, and will start from the north end in Raymond.

Doug Schwartz stated that there are some cash reserves in the Stormwater fund, and with that and the regular annual assessment, he believes the Stormwater Utility District can likely pay the assessment without needing to take a loan.

MOTION TO USE STORMWATER MONEY TO PAY THE ASSESSMENT IN LIEU OF THE INDIVIDUAL PROPERTY OWNERS IN THE AMOUNT OF \$128,870.28 PER YEAR ON A SCHWARTZ/KASTENSON MOTION. MOTION CARRIED 5-0.

5. Discussion/Decision regarding Request for Proposal for Building Inspection Services for 2024.

MOTION TO SEND OUT THE REQUEST FOR PROPOSAL FOR BUILDING INSPECTION SERVICES ON A THELEN/SCHWARTZ MOTION. MOTION CARRIED 5-0.

ANNOUNCEMENTS None

ADJOURN

MADE ON A THELEN/SCHWARTZ MOTION. MOTION CARRIED 5-0. MEETING ADJOURNED AT 8:44 PM.

Respectfully submitted,

**Barbara J Hill
Village Clerk/Administrator
Village of Raymond**