

TOWN OF FULTON

Town Board & Fulton Sanitary District #2 Meeting
2738 W Fulton Center Dr. Edgerton, WI 53534

Tuesday, October 9th, 2007

7:00 PM

AGENDA

1. **Call to Order** at 7:00 pm by Hull. Present were Hull, Farrington, Christianson, Guisleman and Clerk Zimmerman. Sayre was absent.
2. **Confirmation of Meeting Notice** - Zimmerman confirmed the notice was published in the Edgerton Reporter on 10/1/07 and posted at CKSD, Edg. City Hall, Fulton Town Hall, and the Town of Fulton website on 10/1/07.
3. **Approval of Agenda - Motion** (Christianson, Guisleman) to approve agenda. Carried.
4. **Approval of Sept. 11th, 2007 Meeting Minutes, and Budget Work Session Meeting Minutes of Sept. 5th & 27th, 2007 – Motion** (Farrington, Christianson) to approve minutes of 9/11/07. Carried. **Motion** (Guisleman, Farrington) to approve the Budget Work Session Minutes of 9/5/07 & 9/27/07. Carried.
5. **Public Participation**
 - A. none
6. **Recommendations from Planning & Zoning Committee**
 - A. **Certified Survey Map-Land division, property owner Nina Finucan, 2939 W Cox Rd.** Hull advised the P&Z moved to rescind their denial from the Sept. meeting, and made a motion to recommend to TB that the CSM be approved. **Motion** (Guisleman, Christianson) to rescind the denial of the land division for Nina Finucan based on the letter received from our attorney. Carried. **Motion** (Guisleman, Christianson) to approve the CSM, land division based on recommendation from P&Z. Carried.
 - B. **Proposed Draft Ordinance amendment for Outdoor Furnaces requiring a Conditional Use Permit** – Hull advised P&Z tabled until next month. **Motion** (Farrington, Guisleman) to table this until next month. Carried. Hull advised there were also questions about the CUP requirement and the chimney stack height requirement and that the draft should be changed. Brief discussion about changing the wording on the draft.
 - C. **Proposed Draft Ordinance for Exterior Lighting** - Hull advised a light meter would determine the amount of trespassing light. He advised this ordinance gives the commercial builders a guideline to go by. Hull advised that P&Z advised to approve the draft. **Motion** (Guisleman, Farrington) to approve the draft for consideration of this ordinance to the new code book. Christianson confirmed that before this is approved that the clerk will publish the proper publications.
7. **ATC (American Transmission Co.) Update on Paddock Rockdale 345 KV access project** – John Garvin of ATC explained the project is now going through the regulatory review stage. He advised in January the PSC will hold their own hearings most likely in the Janesville, and Beloit areas. He encouraged anyone interested to attend, and advised these hearings have relaxed atmospheres. He stated ATC is hoping for an order in 2008, and hoping to have the project on line in April 2010. He advised in terms of the towns unit of government, the 345kV projects gain the most attention, and as an incentive for communities to promote, Fulton could receive a one time impact fee of about \$487,000, and a \$47,000 annual payment. He said this is based on the number of miles in the township. He stated the money doesn't have to be spent on environmental items, and that they have become more flexible with the ways communities can spend it. He advised other communities have used it to purchase a snow plow, or for their road budget. Garvin advised with the proposed route, they don't need any more right of ways. Guisleman asked if there was a set back requirement for residences, and if there is a limit that a residence has to be from the line. He asked if there were some houses that might have to be moved. Garvin stated no. He said on the alternate route they had to have some re-routing done because of that

reason. He advised for the proposed route the current easement is sufficient. John stated with the proposed route, the environmental impact is what it is today.

8. **Discussion re: Waterway blockage (Mark Houfe)** – Norm Tadt of Rock County Land Conservation Dept. gave an explanation of the waterway that was installed on the property by previous land owner. He advised that the new owner, Demrow purchased property and he placed an earthen berm on the property. He advised this has caused some problems for Houfe to not be able to farm some of his property. Tadt advised the way the state statute sets, it says it is a town board issue. Tadt showed maps and gave a presentation about this waterway. Tadt advised the high pressure gas lines were checked, and they are at the depth where you cannot move anything across the top of them. He estimated the gas line was probably placed there in about 1948. Tadt advised this problem existed back in 1950, and showed maps where people were looking at trying to do something with it back then. Tadt advised that the natural flow is downhill. He showed a 2002 photo which showed there was no standing water, and also the July 2006 photo showed no standing water. He advised from 1986 there has been a 20% increase in crops on this land. He stated in the 50's there was minimal crop land and both parties gained acreage after the waterway. He advised the waterway project and contour walls were installed in 2002. Norm suggested that the fence line be cleaned out which could help. Hull spoke for the board and stated we don't want to turn this into a political thing. Hull asked about possibly pumping the water out. Tadt said if you try to put a pump in it, who will pay to run the pump? He said that area has been wet for the last 50 years and now it is being artificially held up by the berm. Christianson confirmed that Houfe and Demrow gained tillable land from the waterway. Guisleman advised the reason for this discussion is because of the new berm has been installed. Tadt again said if they would lower the fence line 6-8" that would help. Guisleman confirmed that new structure does impede the flow. Farrington said the water will go around it. Tadt said that was correct, and there were years where water wasn't in the pool. Hull said we could suggest to the owners that the fence row get lowered. Christianson advised this TB cannot force Scar to do anything with his property. Guisleman said you cannot block the flow of water. Christianson stated that the waterway was put in the wrong place. Tadt stated we put it where the property owners would allow it. Houfe stated he has lost land after it was blocked. He said they both gained when the waterway was put in, and now that it is blocked, he has lost land. Hull suggested the board strongly suggest Demrow work with the neighbor to get it across Scar's land. Demrow thinks they could put some type of overflow under the gas line pipe. Tadt stated there are regulations about what you can put under the pipes also. Guisleman recommend that we not allow the new structure and work on resolving the old structure. **Motion** (Guisleman, Christianson) that we recommend the new earthen structure be removed and we recommend neighbors continue working with the neighbor, (Scar) to remedy it, and that we review this issue again at the December 2007 meeting. Christianson read the language from SS Chap. 88. Christianson read that it needs to be removed in a reasonable time. Farrington asked Tadt if there was a plan to fix this, and Tadt stated no. Tadt advised it would take approximately a couple of weeks to do the survey and find a solution. Motion carried.
9. **Discussion re: Adding wording about outdoor music limitations to drafted ordinance for alcohol beverage license violations, revocations, suspension and non-renewals** – Blaine recommend that we set a time limit for outdoor music so bar owners have a timeline to go by. He suggested on weekends, 10:00 pm , Friday, Saturday, but on Sunday he would like it shut down at 7 or 8:00 pm. He said this could be added to the point system. He also advised holiday weekends might need to have an exception. 10:00 pm Friday, Saturday, 7:00 pm on weeknights. **Motion** (Farrington, Guisleman) to add to the draft ordinance an outdoor music deadline of 10:00 pm deadline weekends, 7:00 pm on weeknights, but 10:00 pm on evening prior to a weekday holiday, and specify the summer holidays of the three day holiday weekends. Carried.
10. **Discussion re: Vacating street dedication for 10.25' section of road right of way on Sherman Rd.** – Zimmerman explained that about one year ago Sandy Kraft asked the town board to vacate this easement which they did. She explained that once the CSM's were obtained and turned over to Attorney Schroeder, he discovered it wasn't an easement but a street dedication of road right of way. She explained that Steve Schraufengel of Rock Co. Planning & Zoning suggested we talk to the City of

Edgerton and Rock Co. to get their input. Christianson asked how this 10.25' section was given up without a condemnation. Sandy Kraft explained it was given up when the CSM was approved. Farrington asked if we could contact both Rock Co. and the City of Edgerton to get their opinion about this, and to also come up with a price estimate for attorney fees and publication fees to provide to the owners because those costs would have to be split between them, because the town shouldn't be responsible for those charges. **Motion** (Guisleman, Christianson) to pursue the process of vacating the roadway dedication to the adjacent land owners.

11. **Budget Amendment Resolution #07-10, Town of Fulton transferring \$50,000 from general savings to the general checking account for payment of road maintenance bills received from Rock County to cover bills received from services rendered in 2006 & 2007; and transferring the sum of \$3,575 from general savings to the general checking account for payment of town hall maintenance to cover the re-sealing of the parking lot, and the back fill and grass seeding around the edges of the parking lot.** – Zimmerman explained that since the agenda was published, we have received a couple more invoices from Rock Co. and the \$50,000 amount needed to be changed to \$64,500. **Motion** (Farrington, Christianson) to approve resolution #07-10, changing the amount from \$50,000 to \$64,500, and \$3,575 to cover the town hall maintenance. Carried.
12. **Operator's License – (M. Dimmig, M. Doebert, J. Kliscz, D. Peloquin-Johnson)-** Hull advised we needed to add C. Bowers, A. Rucker, A. Ellis to the listing because they submitted applications after the agenda was published. Chief Larson advised all of the above names have passed their background checks. **Motion** (Farrington, Christianson) to approve at mass the operator's licenses. Carried.
13. **Building Inspectors Report** – Harold Schrank updated the board about a residence on Richardson Springs Rd. who hadn't replaced a fence that he had been given permission to remove. Schrank advised that both he and the Clerk have received complaints about this. Schrank advised the fence is now in the process of being replaced.
14. **Police Report** – Blaine explained no owner has been found for the pit bull incident yet.
15. **Approve Voucher list & Financial Statement - Motion** (Christianson, Guisleman) to approve the voucher list and financial statement. Carried
16. **Pay Bills/Sign checks**
17. **Water Utility Report** - Hull gave brief report.
18. **Lake District Report** - Christianson said no meetings were scheduled.
19. **Boat Patrol Report** - Christianson said no meetings were scheduled.
20. **Fire District Report** –Connie advised she received a copy of their budget and it is on file here in the office.
21. **Consolidated Koshkonong Sanitary District Report** – no report.
22. **Fulton Sanitary District Report – review financial documents, pay bills – Motion** (Christianson, Guisleman) to approve financial documents and approve payment of the bills. Carried.
23. **Correspondence - none**
24. **Adjournment** - Motion (Guisleman, Christianson) to adjourn 9:00 pm. Carried.

Submitted by,

Connie Zimmerman
Clerk/Treasurer

NOTE: The minutes are not official until approved by the Town Board.

There is no audio recording of the meeting because the digital recorder malfunctioned.