

TOWN OF FULTON

Town Board & Fulton Sanitary District #2 Meeting

2738 W Fulton Center Dr. Edgerton, WI 53534

Tuesday, June 12th, 2007

7:00 PM

MINUTES

1. **Call to Order** at 7:05 by Sayre. Present were Guisleman, Christianson, Farrington, Hull, Sayre, Zimmerman
2. **Confirmation of Meeting Notice** Zimmerman advised the notice was published in the Edg. Reporter on 6/06/07, and posted at CKSD, Edg. City Hall, and the Town of Fulton on 6/5/07.
3. **Approval of Agenda** motion to approve by Hull. Second by Christianson. Carried.
4. **Approval of May 8, 2007, Meeting Minutes** – motion by Christianson. Second by Guisleman. Carried.
5. **Public Participation**
 - A. Ron Combs stated they are requesting the Town send a letter to McDonald's asking they look at improving the driveway access for the truck parking lot. He indicated the problems is when they design the intersection on the east side of the road, there are too many conflicts. He indicated they redesigned the intersection with a turning lane, and this will move outgoing traffic further away from intersection. He stated the connecting road between Hillside and Goede Rd. was a requirement for the 2nd phase of the Lakewoods plat on those intersections have to be built at that time. He indicated this would be the first step and feels this needs to be addressed.
 - B. Dave Brown asked to reserve the right to participate in discussion about #11, wind energy system.
6. **Recommendations from Planning & Zoning Committee**
 - A. Preliminary Certified Survey Map & Final Certified Survey Map, consolidation of 2 lots plus a vacated walkway – Randall Stipes – Blackhawk Dr. – Motion by Christianson to approve the recommendation from PZ. Second by Hull. Carried.
 - B. Plat of Survey- transfer of land between adjoining owners, Richard Leonhardt, -7319 N. Hwy 51 – Motion by Hull to approve recommendation by P&Z. Second by Christianson. Carried.
7. **Revaluation for 2008 – Selection of Assessment Company** – Zimmerman advised the Board has had time to review the comparison spreadsheet she completed for the assessment companies. Motion by Christianson to approve Accurate Appraisal for the Revaluation for 2008. He stated the reasons were because we currently contract with them and thinks it is good for continuity, and thinks there are less hidden costs. Farrington said there was no one for BOR this year, and only 1 the last couple of years. Second by Hull. Carried.
8. **Discussion re: Regulating lighting in the Newville area; Report on Culvers parking lot lighting.** Blaine advised they met with Mallon's who own Culvers. He indicated they have adjusted the lights by flattening them, and feels they look good now. Citizen Sandy Hart advised she thinks it looks too. Christianson asked if we were going to have some follow up done with this, like an ordinance. Citizen Jill Wileman stated she is looking for something to be put on the books for future development. She would like to remind the board that the homes were there before the businesses. She said when looking at future expansion, she would like something done so this doesn't happen again. Andy Walton advised they have looked at ordinances. Guisleman asked if we need to get another adhoc committee to help, and said this ordinance would protect the citizens, and also the businesses. Andy said there are some area ordinances out there that we could adapt to our use. Sandy Hart volunteered for the committee. Guisleman and Walton also stated they would be on it. Hull moved to create the adhoc committee to draft an ordinance based on other area ordinances for this, to be reviewed by the Town Board. Second by Christianson. Carried.

9. **Resolution #07-06 – Town of Fulton buildings and other property insured by the Local Government Property Insurance Fund.** Zimmerman explained the Local Government Property Insurance Fund got audited and they found that many of their resolutions on file were incorrectly done, not only by us, but by others they insure. She advised they are just asking that we adopt the resolution and nothing changes; they would just have the resolution in the proper format. Motion by Christianson to approve the resolution as drafted. Second by Farrington. Carried.
10. **Discussion re: Outdoor Wood Stoves** – Sayre said this is a sign of the times. He indicated if people burn good dry wood, it makes all the difference. Farrington said certain things could be regulated. Zimmerman advised Harold Schrank brought a copy of Town of Harmony's ordinance. Hull said we might want to restrict use of these for the size of lots. Christianson suggested not allowing in residential, and to limit the size of the lot. Guisleman asked what the best way to move forward. Farrington said we need to get more copies of ordinances, and review them next month.
11. **Discussion re: Wind Energy Systems** – Zimmerman advised that another gentleman came into the office a couple of weeks ago asking about regulations for installing a personal wind energy system. She advised that we don't have anything that regulates or prohibits them. This citizens concern was that he didn't want to invest in a system, and then have the town come back on him with anything. Hull said the tower should have to be situated so that if it falls, it doesn't come down on the neighbors buildings. Dave Brown advised a residential wind energy system are towers that are usually about 100' high, with one rotor. He said they basically are no problem more than any other structure. He stated he thinks the solution would be for the persons to come before either the building inspector or the PZ committee with a site map. He advised that way you can check for measurements. Brown stated for us looking toward the future he has met with a rep from Eco Energy, and advised they are putting a probe up in Magnolia Township so they can measure to see if it is feasible for long term energy. Brown stated he has spoke to them and he has a site on his property that would be a good site for a probe.
12. **Consider request for renewal of liquor licenses** - Hull made motion to approve the liquor license for Bubba's upon the condition he pays his delinquent FSD2 bill. Second by Christianson. Carried. Motion by Christianson to approve all others as per attached list. **(See attached)** Second by Guisleman. Carried.
13. **Consider request for renewal of game, cigarette, and music license** - Motion by Hull to approve Bubba's upon the condition the delinquent fees get paid by June 30th. Second by Christianson. Carried. Motion by Christianson to approve the licensing at mass **(See attached listing)**. Second by Guisleman. Carried.
14. **Consider request for renewal of existing operator's licenses** - Larson advised background checks were done on all; however 3 persons did not get favorable background checks. Larson indicated Powell was convicted of drug violations in 4/06. Motion by Farrington to not renew Amanda Powell's Operators License. Second by Hull. Carried. Larson indicated that Heather Houfe was convicted of OWI and BAC in 10/06. Guisleman said the OWI offense is not directly related to her job. Larson said she is serving others. Larson suggested setting up penalties in the point system ordinance for the future. Motion by Hull to not renew Heather Houfe at this time - withdrawn. Motion by Farrington to renew Houfe with a suspension of 90 days. Second by Christianson. Carried. Larson advised Elizabeth Hemenway had and underage alcohol conviction in 6/06. Farrington stated he wouldn't look at an underage as harsh as an OWI conviction. Motion by Hull to approve Hemenway, with 30 day suspension. Second by Guisleman. Carried. Motion by Hull to approve all others at mass **(see attached listing)**. Second by Christianson. Carried. Guisleman pointed out that Anchor Inn only has two licensed operators, and feels that is a low amount. Larson indicated he would be contacting them to speak to them about this.
15. **Operator's License – (Branden MacKinnon, Manjit Singh, Eileen Gorniak, Belinda Peck)** - Larson said all passed their background checks. Motion to approve listed above names by Farrington. Second by Hull. Carried. Larson advised warning letters were mailed out to Anchor Inn and Fin's Bar

& Grill for the underage drinking violations for the Breaking in the Weather party. Zimmerman advised there will be a letter going out with all liquor licenses indicating that we are still working on the points violation ordinance, and we will be having a separate informational meeting with the bar owners so that we can answer their questions.

Sayre indicated we would take a quick break at 8: 07 pm. Continue again at 8:15 pm

16. **Update on consideration of a points violation system for liquor licenses.** – Sayre advised Larson and he met with Dale Pope, and are working on updating the drafted ordinance. Sayre feels that we should have the drafted ordinance ready for next month. He stated this ordinance will have consistency for everyone.
17. **RFP's for sound system for meeting room** - Zimmerman advised we only received one proposal back, which was from McGrath Electric. Zimmerman also advised that should we decided to do this, we will have to do a budget amendment. Motion by Christianson to accept the bid by McGrath Electric. Second by Guisleman. Carried.
18. **Discussion re: April Advisory Referendum Question** – Sayre advised this particular item has been a problem for the past couple of years. Sayre indicated that it wasn't listed on the ballot as Advisory. Sayre said there was a lot of talk back and forth, and then in the end the board took the side of the dispatchers. He indicated the question should have been three part – (1) Should the dispatchers drop the suit; (2) Should the fire district drop the suit; and (3) Should there be negotiations to get this settled and move on. He advised the way it was, citizens only had the chance to vote on one issue, and that was whether the fire district not defend themselves any more. He stated he doesn't think that was how it was intended, but that was how it happened. Sayre advised this was brought up approximately only 45 days before the election, which caused everyone to scramble because the board didn't want to have a special election; therefore they got the town attorney to write up the question so we wouldn't have to have another election. Sayre said the lawyer is now being sued because of conflict of interest. Sayre stated we now have about 5 things that aren't exactly kosher going on here. He stated he didn't think there was any mal-intent. Sayre advised this is what happens when government bodies get involved in political issues. He stated the question is how are we going to direct our fire representative with the 4 or 5 major things that are wrong.

Guisleman stated he read through all of the previous minutes, and always felt the intent was to have it be advisory/non-binding. Guisleman stated he felt we need a legal answer as to are we bound by how it was worded, or because it was published as advisory, is it indeed advisory. Christianson stated he assumed that our legal counsel for the town would know that in WI State Law, all referendums are advisory. He stated there are no such things as a binding referendum in the State of WI. Christianson said our legal counsel was the one who drafted the language for the referendum so it that was a requirement that it appear on the ballot as an advisory referendum, then once again he has another problem with our legal counsel and felt we didn't get good advice or direction from him.

Guisleman said if all referendums are advisory, then maybe we don't need to address it.

Christianson said we need to look at the question. He said this was the first opportunity for the taxpayers could express their opinion on this.

Sayre advised it really doesn't make any difference; all of the stuff that happened, it happened, but we need to make a decision here tonight. Christianson said this is our responsibility because we make an appointment to the fire protection district. Christianson said all we intended to do was allow voters to vote on this issue. He said we didn't intend to steer them one direction or the other. Sayre said we should have had at least one more question on the ballot.

Farrington said he doesn't think it makes sense to do anything until we find out the decision from court, then advise our representative.

Christianson said voters want to see some sort of dialog. He said the voters want the Town of Fulton to take a position on what they say.

Motion by Hull that we look at it as an advisory referendum and leave it as such. Hull suggested that we do not vote. No second.

Hull made a motion to look at it as an advisory referendum, with a stipulation that we also encourage negotiation between the sides if possible.

Christianson clarified that we would encourage negotiations, but not to direct to drop the vote.

Citizen Carl Lichtfuss asked how we can decide without knowing what all was done with the fire district and what steps have been taken.

Farrington said the board had the best interest of the citizens in mind.

Motion seconded by Farrington.

Roll call, Guisleman-yes, Christianson-no, Farrington- yes, Hull – yes. Motion carried.

19. **Report from adhoc committee reference review of new ordinance book** – Andy Walton reported they have proof read the general ordinance, and are working on the zoning ordinance. He stated they hope to have something to present to the board next month.
20. **Board of Adjustment Report** – Andy Walton advised BOA met last night. The board voted in favor of a variance for a driveway issue because it met all the criteria. The second was a setback issue for a house to be rebuilt, and this variance too was granted because it met all the criteria.
21. **Building Inspectors Report** – Harold advised it was a busy month, brief discussion.
22. **Police Report** – Blaine advised the speed trailer has been fixed and they will rent it to us for \$25/day. He also advised that all no parking signs have been installed per the resolutions that were previously passed.
23. **Approve Voucher list & Financial Statement** – Motion to approve by Christianson. Second by Guisleman. Carried.
24. **Pay Bills/Sign checks**
25. **Water Utility Report** – nothing to report
26. **Lake District Report** Christianson said they met and voted to reduce Lake Dist. fee from \$100 to \$45/year.
27. **Boat Patrol Report** – personal watercraft was put in operation. Henry stated one issue we had last Saturday was people had gone to the peers owned by Natter. He advised the peers are in bad shape and asked the police chief talk to Ollie Natter about the condition of the peers.
28. **Fire District Report** – Sayre advised he spoke to our representative. The new truck is supposed to be delivered on Thursday. He advised the other trucks have been sold and also the loan was taken out for 4 years, but the intent is to pay it up before that.
29. **Consolidated Koshkonong Sanitary District Report** – Farrington advised business as usual. He stated they met in a special meeting on what they are going to do with bids and estimates for the Arnold trust.
30. **Fulton Sanitary District Report** - no discussion
31. **Correspondence**
 - A. Thank you notes from Tri-County Community Center & Consolidated 4H Club – Zimmerman read the Thank you notes.
 - B. American Transmission Co. (ATC) update letter on proposal to construct a 345 Kilovolt electric transmission line. Zimmerman briefly summarized the letter.
 - C. Copy of application filed with Public Service Commission by ATC available for public viewing at until Dec. 31, 2008 at the Town Hall. Zimmerman advised this is placed out for public viewing.

Guilseman advised the town owns some land with a dock on it and he would like it on the next agenda.
32. **Adjournment** – motion to adjourn at 9:15 by Hull. Second by Farrington. Carried.

TB minutes

6/12/07

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Submitted by,

Connie Zimmerman

Clerk/Treasurer

***Note: These minutes are not official until approved by the Town Board.**