

CITY OF SHULLSBURG  
COMMON COUNCIL MEETING  
SEPTEMBER 1, 2010  
6:30 P.M.

A regular meeting of the Common Council of the City of Shullsburg was held at 6:30 p.m. September 1, 2010 in the Community Room of the Shullsburg Community Townsend Center, 190 N. Judgement Street, Shullsburg, Wisconsin. Mayor Tom Lethlean called the meeting to order at 6:30 p.m. Notice of the meeting was posted and given to the official newspaper. Roll Call- Darrell Morrissey, Carl Ballard, Dan Spillane, Jim Paquette- All present. Others present: Don Dickinson, Steve Staver, Kari Einsweiler, Dan Morrissey and Randy Loomis.

Motion by Ballard second by Paquette to approve the minutes of the August 11, 2010 special council meeting. All aye, motion carried.

Motion by Paquette second by Spillane to approve the minutes of the August 18, 2010 council meeting. All aye, motion carried.

Committee Reports- None

Motion by Spillane second by Morrissey to approve the bills for the general, water, sewer, electric, library, pool, TIF and museum funds. All aye, motion carried.

A brief discussion was held regarding the annexation request submitted by Swiss Valley. Gary Peterson, Sustainable Services has not arrived yet. Mayor Lethlean explained that he had received the request from Swiss Valley and no action was necessary at this time.

An update was given by Mayor Lethlean regarding the creation of TIF District #7 and amending TIF's 3 & 4. Mayor Lethlean explained that the notices for the public hearings are being published this week in the Republican Journal. The Joint Review Board and Plan Commission will meet September 16. The public hearings for the creation of TIF #7 and amendment of TIF #3 & 4 will be held on September 16.

Kari Einsweiler and Matt Bennett submitted a written request prior to the meeting requesting expenses associated with a fence that was installed that is not in compliance with the clear vision triangle. K. Einsweiler explained that Steve Leitzinger, Zoning Administrator, issued the permit and did not inform them of the vision triangle requirement. K. Einsweiler also stated that Chief Moyer informed her that in order to be in compliance the corner post and one panel on each side would need to be removed and then angle the fence across. The requested amount of reimbursement is \$235. Mayor Tom Lethlean stopped at the Bennett/Einsweiler residence on June 18 and informed them that the fence was in the vision triangle. K. Einsweiler stated that Steve Leitzinger was at their residence after June 18 and again said nothing about the vision triangle, but informed them that the fence must be less than 4 feet in height. Steve Leitzinger was not aware of the vision triangle and therefore issued the permit. Mayor Lethlean reported that the Board of Appeals ruled that the property owners needed to bring the fence into compliance with the vision triangle within 30 days from the date of the Board of Appeals meeting. Mayor Lethlean and Chief Moyer measured and marked the property after the Board of Appeals made their ruling. Mayor Lethlean stated that the fence would need to be moved back 8 feet 4 inches on the Judgement Street side and 8 feet on the Estey Street side. The council felt that a mistake was made and Bennett/Einsweiler should be

compensated for their loss. Motion by Morrissey second by Ballard to reimburse Kari Einsweiler and Matt Bennett \$235 for the fence. All aye, motion carried.

Gary Peterson arrived.

A discussion was held regarding a proposed site for the construction of a new city garage. The location for the proposed city garage is the property that the city purchased from Ralph Brown and is commonly referred to as the "former depot bottom". Ald Morrissey stated that Attorney Nathan Russell submitted a legal opinion on whether or not there is a current railroad right-of-way and whether or not the property is in the flood plain. The opinion is that the rail road right-of-ways no longer exist. Mayor Lethlean stated that he had spoke with Ken Leuchet at the state and he confirmed the findings of Attorney Russell. Attorney Russell also gave the city the application to have the property removed from the flood plain. Attorney Russell is also looking into the cost and the application process. Zimmerman and Blackburn will be contacted to see if they want to work with the city in regards to having their property removed from the flood plain. Attorney Russell is looking into the cost of having the property removed from the flood plain. This will be addressed at the September 15 meeting.

Regarding the repairs of the Townsend Center roof the insurance adjuster and the engineer have not come to inspect the roof yet therefore no discussion or action was taken.

Regarding a new ATV Route, the city council approved that new route at the September 1, 2010 council meeting. Mayor Lethlean read the resolution aloud. Motion by Morrissey second by Ballard to approve the resolution for the new ATV route. All aye, motion carried. The new ATV route will enter the city limits on County Rd A, turn right on Judgment to the intersection of Church Street, then right on Church Street and continue on Church Street, cross the intersection of Iowa Street and continue to the stop sign, cross the intersection of Galena Street and end in the parking lot behind Hanler's which is known as the former tie yard.

A discussion was held regarding the CDBG-PF grant contracts. No contracts have been received from the state yet, therefore no action was taken.

A discussion was held regarding a request from Truck County for access to the burning grounds outside of regular operating hours. Truck County has submitted a written request for access of the burning grounds during office hours on Monday thru Friday. Mayor Lethlean suggested two options. 1. Issue keys to businesses for use on a specific day so the items that are being discarded can be monitored. 2. Have a sign up sheet at the city office so that businesses can check out a key during office hours on Monday thru Friday. Motion by Spillane second by Ballard to allow businesses and contractors use on Monday thur Friday with a sign up sheet and key at the city office and residential property owners will be limited to Saturdays when there is an attendant on duty to ensure that the proper debris is left there. All aye, motion carried.

A brief discussion was held regarding the fabrication of new solar cover rollers. Ald Morrissey stated that Tom Turpin will be fabricating new roller for the solar cover at a cost of \$1,400 and it has been approved by the Park Committee. Motion by Morrissey second by Paquette to approve the fabrication of the solar cover rollers at a cost of \$1,400. All aye, motion carried.

Regarding the metal roofing material that was removed from the park buildings, Mayor Lethlean stated that Ald Morrissey suggested that the material could possibly be used in the construction of the new city garage therefore no action was taken.

Carol Stoudt arrived.

Regarding the Library Strategic Planning meeting, Carol Stoudt explained that the Library will be developing a Strategic Plan and a meeting will be held on October 16. Stoudt further explained that this will be a brainstorming meeting where ideas will then be taken back to the Library Board to develop a plan. Motion by Paquette second by Morrissey to nominate Ballard to attend the Library Strategic Plan meeting on October 16. All aye, motion carried.

A brief discussion was held regarding the compliance with the Virginia Graeme Baker Pool Modifications. Municipal pools have to be in compliance with the Virginia Graeme Baker Act by July 1, 2011. A letter was recently received from the Department of Commerce inquiring about a form that the engineer should have submitted to the state indicating that the city was in compliance. After receiving the notification from the state that the form had not been filed, Burbach Aquatics were contacted. Burbach had done an inspection in 2009 after which the city received a letter in May 2009 indicating that Glen Jones at the Department of Commerce had informed Burbach Aquatics that modifications to a pool with a gravity drain system were not required. Therefore the city was not required to make any modifications to the pool. After receiving notification from the city that the required form had not been filed at the state, Burbach Aquatics again called Glen Jones at the Department of Commerce. In a letter dated August 27, 2010 Burbach informed the city that the Department of Commerce had changed their opinion regarding gravity drains and is now requiring modifications to be made. Burbach submitted a proposal for engineering services only to the city with a cost of \$3,200 plus \$500 to submit plans to the state for approval. Motion by Morrissey second by Spillane to have Burbach attend the September 15, 2010 meeting. All aye, motion carried.

The council returned to items number seven and eight on the agenda to address the annexation request that was submitted by Swiss Valley Farms. Gary Peterson explained that the council must act on the annexation request at this meeting due to deadline requirements. Although Swiss Valley is requesting that all of their parcels that are in the township be annexed into the city, a new parcel is being created that would include just the parcel with the warehouse. The parcel that includes only the warehouse will not be included in TIF #7. Mayor Lethlean stated that Swiss Valley will overnight the paperwork to the register of deeds to have the new parcel recorded. Peterson stated that he and the mayor expressed to Swiss Valley several weeks ago the importance of the timeliness for the paper work to be completed. Due to the fact that the annexation will be approved prior to the creation of the parcels the Department of Revenue may deem this as unacceptable and determine TIF #7 to be invalid. At this point the council felt that they had no choice but to move forward with the annexation and the creation of TIF #7. Motion by Spillane second by Ballard to accept the annexation request as submitted by Swiss Valley Cooperatives. All aye, motion carried. Gary Peterson clarified the items that needed to be included in the motion. After further discussion a motion was made by Paquette second by Morrissey to accept the annexation request as submitted by Swiss Valley Cooperatives including the exclusion of the setback requirements and zoning designated as manufacturing. All aye, motion carried.

Future Agenda Items- 1. City Garage site with regards to the flood plain. 2. CDBG-PF contracts. 3. Townsend Center roof repairs. 4. Burbach Aquatic regarding the Virginia Graeme Baker Act.

Clerk's report: 1. The clerk inquired about who would be working at the burning grounds this Saturday due to Darren Parmer taking off. Ald Ballard will contact Don Ahlstrom. 2. The clerk asked the council to sign the file copies of the July and August check registers.

Public Comment: 1 Jim Paquette stated that the plants will be trimmed around the Townsend Center next week couple of weeks. Mayor Lethlean stated that Don Ahlstrom has offered to help Paquette also inquired about mulch for Townsend center. It will be on the September 15 meeting. 2. Mayor Lethlean inquired about the watering for the flowers. Dave Wiegel will be watering this weekend. After that the regular city employees will water the flowers Monday thru Friday. Ald Spillane doesn't feel that the city should be paying someone on the weekends to water the flowers at this time of the year. 3. Ald Spillane would like to set up a special meeting at the end of September. A special meeting will be held on September 30 to address the creation of TIF #7 therefore items requested by Spillane will be added to that agenda. 4. Mayor Lethlean thanked Jim Byrne and Harry Lee Blackburn for their time and equipment to move the steel roofing that was removed from the park buildings and taking it to the sewer plant. 5. Kari Einsweiler asked Mayor Lethlean to clarify the measurements for the section of the fence that needs to be moved. K. Einsweiler stated that Chief Moyer told her that they just needed to move the first section on each side of the corner pole and angle the fence across. K. Einsweiler also stated that she thought the panels were six feet. Mayor Lethlean stated that the measurements are 8 feet 4 inches on the Judgement Street side and 8 feet on the Estey Street side therefore more than one panel will need to be removed.

At 8:00 p.m. a motion was made by Paquette second by Ballard to adjourn. All aye, motion carried.

Marsha Einsweiler  
City Clerk/Treasurer