

Joint Meeting of the Public Works & Stoughton Utilities Committees Meeting Minutes
Thursday July 18, 2019
Public Safety Bldg. – 321 S Fourth St

Members Present: Public Works Committee Members Alderpersons Tom Majewski, Sid Boersma, Matt Bartlett, Lisa Reeves and Mayor Tim Swadley.

Stoughton Utilities Committee Members Alderpersons Ben Heili, Regina Hirsch, Greg Jenson, and David Erdman, Kym Ackerman, John Kallas and Mayor Tim Swadley

Staff: Mayor Tim Swadley, Public Works Director Brett Hebert, Planning Director Rodney Scheel and Vickie Erdahl, Stoughton Utilities Director Jill Weiss, Assistant Utility Director Brian Hoops and City Attorney Matt Dregne

Absent/Excused:

Guests: Alderperson Phil Caravello, Alderperson Brett Schumacher, Cory Frantschy, Kaitun Cheramy, Marsha Berigan, and Emily Barr

Call to Order: Erdman called meeting to order @ 6:00 PM

New Business

1) **Amending Zoning Code Section 78-718(3)(i) of the Stoughton Municipal Code related to the placement of fencing in utility easements: (Action)**

This ordinance was reviewed after a request was received from a resident to place a fence in the utility easement behind the home and two other property owners who spoke at the Common Council meeting of June 25, 2019. All three of properties were reviewed.

Fencing standards for the City of Stoughton are in the Zoning Code. Current ordinance reads “No fence shall be located within any easement designed to convey storm water drainage, sanitary sewer, electric distribution and water distribution.”

Stoughton Utilities and multiple city departments were involved in discussion and review of the Zoning Ordinance 78-718 (3)(i)

Utilities Director Jill Weiss presented a slide show pertaining to the history of the ordinance, the discussion regarding the citizen request and concerns for a potential revision of the zoning code, what other communities do and explained reasons why Stoughton has an ordinance.

The slides reviewed various situations where there are easements. Easements vary in width depending on their purpose and if the utilities are above or below ground. Drawings and pictures were included to show various scenarios of utility easements in place throughout the city.

Concerns raised and discussed regarding fencing being allowed were: 1) access to infrastructure to perform system maintenance or emergency repairs 2) delay outage and restoration, 3) potential of damage to fence, 4) subjective nature of case-by-case approvals and issues that could arise, 5) transfer of liability and 6) notification of future property owners if exceptions made.

Attorney Dregne was involved in the evaluation of potential changes to this section of the Zoning code and indicated the legal process to seek relief from the current ordinance would be for the citizen to request a variance from the Zoning Code provisions. Attorney Dregne was asked about the State Statute regarding easements to which he replied he needed more time to look into further to see how it would affect the city ordinance.

After the various department multiple meetings, it was recommended to repeal Zoning Code Section 78-718 (3)(i) of the Stoughton Municipal Code and recreate.

Discussion on the recreated ordinance resulted in a request that language be added to paragraph C which should read as follows *"This subsection shall not apply to any fence that, but for being located in a Utility Easement Area, was a lawfully installed fence on the date this subsection is adopted, and any such fence may be maintained, repaired or replaced without restriction under this subsection.*

Public Comment:

City resident – Marsha Berigan of 1509 W Milwaukee St spoke regarding her request to place a fence in the easement behind her home.

Committee discussed ways to get easement information to homeowners when they are purchasing a property to lessen the confusion of where property lot lines are and to make sure that new developments are evaluated (which is already happening through the Planning Department).

Motion by Boersma, seconded by Reeves to recommend to the Common Council to amend Ordinance 78-718 (3)(i) including the revised language changes as suggested by the City Attorney are made in paragraph C. Motion carried 10-1 (w/ Jenson voting no).

Future Agenda Items: None.

Moved by Boersma, seconded by Jenson to adjourn meeting at 7:30 pm. Motion carried 11-0.