

Town of Burke Board Meeting Minutes
Tuesday, April 18, 2017
immediately following the Annual Meeting which began at 6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, Supervisor Stieren and Supervisor Truitt. Also in attendance Brenda Ayers, Administrator/Clerk/Treasurer, Teri Saxon, Deputy Clerk/Treasurer and Ron Kurt, Public Works and Chris Hughes, Town Attorney. See attached list for other interested parties in attendance.

1) ADMINISTRATIVE

- a) It was determined that a quorum was present and the meeting was properly posted.
- b) The meeting was called to order at 6:06 by Chairman Viney.
- c) The Pledge of Allegiance was recited.
- d) Public Hearing regarding a Conditional Use Permit (CUP) application submitted by Two Tall Distillery (TTD) to operate a distillery with onsite consumption of samples for the retail operations at 5353 Maly Road, Sun Prairie (parcel 0810-243-8895-3). Stephanie Farnia and Nick Hanson introduced themselves as co-owners of Two Tall Distillery. The distillery will be a 1800 square foot unit located at the end of Maly Road in Unit B and will be used for manufacturing and distribution. The CUP application is for retail sales with limited tasting hours.
- e) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. No comments.

2) Consent agenda (*all items listed under the consent agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item so removed shall be considered after the approval of the remainder of the consent agenda*)

- a) Approval of minutes from the March 15, 2017 Board meeting
- b) Approval of bills (payroll related disbursements #4103-4133 and bills #28751-#28812) and February Cash on Hand report
- c) Operator's License applications. None.

Motion: Truitt/Nimmow to approve consent agenda. Motion carried.

3) NEW BUSINESS

- a) Resolution 04182017A conditionally approving CUP 2375 submitted by Two Tall Distillery. Berg commended Two Tall Distillery on how impressed he was with the professionalism displayed throughout the process.

Motion: Berg/Stieren to approve Resolution 04182017A conditionally approving CUP 2375 submitted by Two Tall Distillery. Motion carried.

- b) Resolution 04182017B approving the rezone and CSM submitted by Williamson Surveying on behalf of Dane County Land and Water Resources. Berg asked how many parking spots will be in the parking lot. Jan Zimmerman from Dane County Land and Water stated there will be four parking spots. Viney asked if there are any plans for lighting. Zimmerman responded there are no plans for lighting. Usage will only be in daylight. Viney also asked if there are any plans to attach to Token Creek Park. Zimmerman said not at this time. She went on to say this would require Dane County to acquire additional lands. Viney asked what the property is zoned. Ayers stated that the Jahn property is zoned A-1 which is the reason for the request to rezone this strip of land so that the zoning would be the same. Currently the strip of land is zoned residential and

requesting to rezone to A-1. Viney asked if the property will then be taken off the tax roll. Ayers again stated that once the Jahn property is purchased by Dane County it will become tax exempt. Viney asked what the cost will be for the Town to maintain the road. Ayers stated the CSM strip of land will be at no cost to the Town to maintain as it will be a private drive, not a dedicated Town road.

Motion: Berg/Stieren to approve Resolution 04182017B. Motion carried.

- c) A request submitted by James Duckart for a variance to the width of the residential culvert/driveway from 24 feet to 35 feet (11 foot variance) for the property located at 3315 Nelson Rd. Duckart indicated he has requested to replace the 24 foot culvert with a 35 foot culvert to make it easier to get in and out of the driveway. Ayers stated that the current residential driveway services four homes. Duckart further indicated that this property was an inheritance and they have torn one house down and eliminated one driveway.

Motion: Nimmow/Berg to accept variance to the width of the residential culvert/driveway from 24 feet to 35 feet. Motion carried.

Ayers asked that the Duckarts come into the office and fill out a driveway permit application for.

- d) A request submitted by Dan and Sandra Lothe for a variance to the height of a fence in the front yard from 36 feet-inches to 45 feet-inches (9 inch variance) for the property located at 3562 State Highway 19. Clarification was made that the request for variance is 36 inches to 45 inches (9 inch variance) not feet. Berg indicated that would look very nice. Lothe stated it will be an off-white color.

Motion: Truitt/Stieren to approve request submitted by Dan and Sandra Lothe for a variance to the height of a fence in the front yard from 36 inches to 45 inches at 3562 State Highway 19. Motion carried.

- e) Driveway access for lot 6 Hoffman Acres Plat parcel 0810-034-5056-7 located off Rattman Road. Hughes instructed the Board that the agenda is set-up for discussion during open session and then will discuss options in closed session. Hazelbaker, attorney representing Touchett, expressed that his client has a buyer and would like to build on the lot but the subdivision does not have a road. On the plat there is clearly a dedicated road. The developer has sold lots along Rattman Road. Hazelbaker stated his client is asking for assurance that a driveway permit will be issued. The access should come off Bull Run. Hughes commented that the plat prohibits access to Rattman Road. Hazelbaker responded that one way or another someone owes this lot a driveway. Hughes again stated that there are issues with the plat. Touchett commented that when she bought the lot she thought she had access. Hughes stated the quickest way may not be the best. We need to figure out the best way to move forward and deal with the situation appropriately. Ayers stated there is a field access permit not a road. Viney suggested that board go into closed session and discuss.
- f) **THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. SEC. 19.85(1)(g)** Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved related to driveway access for lot 6 Hoffman Acres Plat. Motion: Berg/Stieren to convene in closed

session. Roll call: Stieren- aye, Truitt- aye, Viney-aye, Nimmow-aye and Berg-aye.
Motion carried.

g)

h) **OPEN SESSION. THE TOWN BOARD WILL RECONVENE INTO OPEN SESSION PURSUANT TO WIS.STATUTES 19.85(2)** for discussion and possible action regarding matters discussed in Closed Session and to proceed with other items on the agenda. Motion: Stieren/Nimmow to reconvene into open session. Motion carried. Hughes suggested that rather than dealing with this in isolation the Town needs to deal with it on a broader basis to give consideration to lot 33. Hughes suggested that he, Ayers and Viney meet with the Danielson's to discuss the future plans for the subdivision. Mara expressed his concerns regarding the timing as he has submitted an offer to purchase the lot and would like to have a home built on the property before school starts in the fall. Hughes indicated that the Town will further consider this item on May 17.

i) Consideration of revisions to Town of Burke Ordinance 7-2-7 (l) pertaining to fencing of outdoor consumption areas for Class "B" licensed premises. Ayers explained that she has received requests from two businesses in the Town on is strictly a tavern and the other is a restaurant with a bar inside to have the ordinance changed from a 6 foot enclosed outdoor area to a 3-4 foot fenced area. Ayers showed pictures of similar fenced areas of businesses in the area that were provided to her. She noted that all of the pictures we of enclosed areas attached to restaurants that also sold alcohol. Ayers asked if the Board would be in favor of considering a revision to the ordinance to reduce the fence height of outdoor areas for businesses the meet the definition of a restaurant by Department of Revenue standards.

Motion: Truitt/Berg to authorized Ayers to draft an ordinance reducing the fence height for outdoor seating of Class "B" licensed businesses that meet the definition of a restaurant. Motion carried.

j) Commission and Committee appointments. Ayers provided a document with suggested appointments. The Board was generally in favor of the recommendations of Ayers.

4) OLD/UNFINISHED BUSINESS

a) Follow up on stormwater drainage concerns at 3750 Hoepker Rd. The Board suggested that nothing further is done with this item until another request is made.

5) COMMITTEE REPORTS (AS APPLICABLE)

a) Plan Commission. No meeting.

b) ETZ Committee. No meeting.

c) Parks Commission. Stieren noted that Ken Paris had resigned and he was assuming the role of Chair in the interim.

d) NECC. No meeting.

6) NEXT MEETING DATE. Wednesday, May 17, 2017

7) ADJOURNMENT. Motion: Nimmow/Stieren to adjourn. Meeting adjourned at 7:54 p.m.