

Town of Burke Meeting Minutes
Wednesday, July 18, 2018
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, and Supervisor Stieren. Excused: Supervisor Truitt. Also in attendance Teri Saxon, Deputy Clerk/Treasurer and Ron Kurt, Public Works Lead Patrolman. See attached list for other interested parties in attendance.

1) ADMINISTRATIVE

- a) It was determined that a quorum was present and that the meeting was properly posted.
- b) The meeting was called to order at 6:00 p.m. by Chairman Viney.
- c) The Pledge of Allegiance was recited.
- d) Presentation by Eric Runez, Superintendent DeForest Area School District. Dr. Eric Runez, Superintendent introduced himself and Jan Berg the School Board President. Runez presented the Board with handouts on the DASD Update and Long-range Planning. Runez pointed out some of the highlights and commitments of the DeForest Area School District to the community. He invited and strongly encouraged the Board and community members for their input in long range planning at upcoming community information sessions.
- e) Public Hearing regarding a Class B Beer and Class B Liquor License application submitted by The Shed Enterprises LLC, DBA The Shed, 6335 Portage Rd, DeForest. Bill Gray introduced himself as the owner of The Shed. He is a lifelong resident of the area. Gray further stated the structure was originally a grocery store built by his great grandparents. With the unfortunate passing of Harvey Krause, he worked with the Krauses to purchase The Paddle to keep the legacy going of a clean, friendly tavern and a local place people can come and enjoy themselves and feel safe.
- f) 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 June 20, 2018 Board meeting.
- b) Approval of bills (payroll related disbursements #4563-4591 and bills #29501-29540) and June Cash on Hand report.
- c) Operator's Licenses – Amy M. Fosdick and Joshua V. Meier.

Motion: Berg/Stieren to approve consent agenda as presented. Motion carried.

3) NEW BUSINESS

- a) Hearing regarding Town Board reconsideration of denial of the application of Steven G Van Dyke for an Operator's License. Saxon read into record the Facts/Records Entered into Record Van Dyke Reconsideration Hearing 7/18/2018. Van Dyke stated that the charges against him are still pending as identified on application. He further stated that in November of 2017 he had traumatic events in his life. He was declared afib after going down at work and was prescribed the drug Warfarin. Since his DUI arrest he has

discovered through counseling that a side effect of Warfarin is addiction and/or addictive behavior. He has since been prescribed Xarelto which doesn't have the side effects of Warfarin and noted that side of his life is coming together. He has also joined Celebrate Recovery. He stated that his son was in a tragic accident and out of work for three months with a brain laceration. His son's girlfriend is in a rehabilitation hospital with a brain injury which all caused a great deal of stress in his life. He further added that he took time off from work to care for his son and then the DUI – just came to fruition to part ways with his employment. He added further than his other son's lung collapsed at a music festival. He currently is working in Wrightstown so he can be near his sons. He works at the bar every other weekend. He stated he has 40 years of bartending experience and has had no violations of any kind from behind the bar. Viney indicated that granting an operator's license allows one to bartend alone but it does not prohibit you from bartending. Van Dyke stated that he usually works alone on the weekends. Nimmow inquired if he is addicted to the drug and that caused his drinking or just a mistake in drinking. Van Dyke stated that the drug caused the addictive behavior of drinking. Van Dyke further stated he does not blame Warfarin for drinking. According to his counselor, the drug adds to the addiction of drinking and the want of it. Berg inquired if Van Dyke is still drinking. Van Dyke stated he has not drank since March 7th. Berg inquired if Van Dyke can elaborate on the circumstances of the day he got his DUI. Van Dyke stated he apologizes but it is a pending court case and cannot comment. Nimmow inquired whether Van Dyke lives locally. Van Dyke stated he lives in Madison but works in Wrightstown to be near his sons. He would appreciate the Board's reconsideration of his operator's license.

- b) **CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. SEC. 19.85 (1)(a)** Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body to deliberate the reconsideration the denial of an operator's license for Steven G Van Dyke.

Motion: Berg/Stieren to convene in closed session. Viney–aye, Berg–aye, Nimmow – aye, and Stieren–aye. Motion carried.

- c) **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.**

Motion: Berg/Stieren to reconvene in open session. Motion carried.

- d) Action regarding reconsideration of the Town Board's denial of the application of Steven G Van Dyke for an Operator's License.

Motion: Berg/Stieren to adopt Resolution No. 07182018 labeled Exhibit A granting the operator license for Steven G. Van Dyke. Motion carried. Nimmow – nay.

- e) Approval of Class B Beer/Liquor License application submitted by The Shed Enterprises, LLC. Viney inquired if Gray had any plans for the building. Gray stated that he has plans of updating the bar. Viney applauded Gray for his efforts in making the corner come alive. Viney further instructed Gray that no alcohol is to be consumed outside of the bar.

Motion: Berg/Stieren to approve the Class B Beer/Liquor License application submitted by The Shed Enterprises, LLC. Motion carried.

- f) Temporary Class B License application to sell fermented beverages submitted by VFW Post 8483 for a car show on August 18, 2018. Viney asked if any changes have been made to the event. Bruce Squires of the VFW said the event will be the same as it has in the past.

Motion: Berg/Nimmow to approve Temporary Class B License to sell fermented beverages submitted by the VFW Post 8483 for the car show on August 18. Motion carried.

- g) Statement of position on the non-metallic mining reclamation plan submitted by Wolf Paving, 5423 Reiner Rd.

Motion: Berg/Nimmow in favor of the non-metallic mining reclamation plan submitted by Wolf Paving. Motion carried.

- h) Adoption of Conditional Use Permit procedures. Berg indicated that the committee consisting of Nachtwey, Ayers, and himself worked on the procedures. He noted that the procedures may continue to be a work in progress. The committee erred on side of caution when writing the procedures. He further noted to keep in mind because of changes in law and Supreme Court quasi-judicial places the burden of proof on the Board if they want to deny a CUP. Berg indicated that Ayers would like to hold a practice session allowing the Board to walk through a CUP before having an actual CUP before them. Nimmow indicated that would be a good idea. Berg added that Ayers put a lot to work into writing the procedures and they are consistent with recommendations of the Town Attorney.

Motion: Nimmow/Stieren to adopt the CUP procedures. Motion carried.

- i) Administrator/Clerk/Treasurer contract extension. Berg noted that having worked with Ayers on the CUP Procedures Committee the Town is very fortunate to have her. He further added how she amazed him with her knowledge.

Motion: Stieren/Nimmow to approve the contract extension for Administrator/Clerk/Treasurer. Motion carried.

- 4) OLD/UNFINISHED BUSINESS
 - a) NONE

5) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission. No meeting.
- b) ETZ Committee. No meeting. Next meeting August 13, 2018.
- c) Parks Commission. No meeting.
- d) NECC. No report.

6) NEXT MEETING DATE. Wednesday, August 15, 2018

7) ADJOURNMENT. Motion: Nimmow to adjourn. Meeting adjourned at 7:24 p.m.

Teri Saxon
Deputy Clerk/Treasurer
Town of Burke
August 10, 2018