

Town of Burke Board Meeting Minutes-October 15, 2014
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, Supervisor Stieren, Supervisor Truitt. Also in attendance: Brenda Ayers, Clerk/Treasurer; Ron Kurt, Public Works Lead and Anne Anderson, Town Engineer. See attached list for other interested parties in attendance.

ALL AGENDA ITEMS ARE SUBJECT TO POSSIBLE ACTION

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) Public Hearing regarding a Conditional Use Permit for a multi-tenant building housing a liquor store, small restaurant and apartments submitted by Brad Koning, Shulfer Architects, on behalf of Mark Hoover Property located at 5291 Felland Road (old Burke Station), parcel numbers 0810-233-7512-9, 0810-233-7545-0 and 0810-233-7534-3. Dianna Roberts, 3549 Burke Road, reported on previous issues when a tavern was operated on the site. Concerned that a liquor store will bring the same type of issues. Also expressed her concerns about the ability to purchase carry out beer until midnight in Burke when neighboring municipalities only allow sales until 9 a.m. She also expressed her opinion that the parking stalls and lights will impact the country feel of the area. Roberts presented a petition signed by others opposed to having a liquor store in the area. Ayers explained that a liquor store is an allowable use on the property and the reason for the Public Hearing is because of the request for a CUP to allow residences on the upper floor of the building. Brad Koning from Schulfer Architects explained that the applicant sent letters to neighboring residents with a copy of the letter of intent and did not receive any feedback. He explained that the applicant is proposing a 4,000 square foot building with a first floor Liquor store and small restaurant. He explained that there will not be any alcohol consumption on site other than occasional wine tastings as allowed by use. He explained the CUP is for up to four small efficiencies to create a mixed use environment. He further explained that the applicant desires to create a destination spot not an assuming commercial building. He stated the design of the building gives it a residential feel. Viney asked if the drive through was for the restaurant or the liquor store. Koning responded that the drive through will serve both. He explained the restaurant will be separate from the liquor store with approximately 15 tables. The owner, Mark Hoover, indicated that he plans to lease out the restaurant space. Viney noted that the property is not serviced by municipal water and sewer. Koning said that they plan to install a new holding tank and a new well. Roberts asked why the applicants are requesting the CUP for the residences. Hoover responded that it is a financial decision to make a more viable project. Viney explained that a mixed design is unusual and can be found in neighboring municipalities. Viney stated there haven't been any

problems with other businesses in the Town that sell carry out beer until midnight. Hoover explained that the efficiency type apartments will be rented at a higher level and nicely finished to attract people with mid level jobs. Dennis Jones asked how many people will be allowed in each apartment. Berg responded that it is a County Zoning issue. Hoover said ideally the apartments would be rented to couples or individuals and he is not interested in renting to large groups of people. Anne Anderson noted that efficiencies are one big room and aren't practical for occupancy by several individuals. Truitt noted that there are guidelines that apply to all housing types. Berg noted that the Board does consider public input and he is sympathetic to the concerns expressed. He also noted that the current state of this valuable piece of land is not conducive to the neighborhood. Roberts expressed concerns about the odor from pumping the holding tank. Nimmow noted he has one on his property and the odor is similar to a septic tank. Roberts asked about reducing the hours of alcohol sales. Viney inquired about the concern of headlights of vehicles in the drive through shining on neighboring residents. Koning said the building and landscaping will shield the lights.

- e) Approval of minutes from the September 17, 2014 Board meeting. Motion: Berg/Nimmow to approve as submitted. Motion carried.
- f) Public Works report. Kurt reported that staff is finishing the last round of chipping the week of October 13.
- g) Clerk/Treasurer report. Ayers reported that she and Peterson attended treasurer and clerk training provided by the County on Tuesday and Wednesday of the previous week. She also reported that photo ID requirement has been blocked by the Supreme Court. Ayers received an inquiry from a realtor working with Wilde Honda regarding the possibility of a car storage lot on the Decker property for sale at the corner of Nelson and Reiner.
- h) Finance Report. Ayers reported that information was provided with the proposed 2015 budget.
- i) Approval of Bills. Board members reviewed the bills and signed the Town approval cover sheet for check numbers 26975-27018 and payroll related disbursements numbered 3192-3217.
- j) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. A question was raised about the previous Naughty Novelty site. The Board and staff are not aware of any immediate plans for the site.

2) NEW BUSINESS

- a) Resolution 10152014A Conditionally Approving the Conditional Use Permit Submitted by Brad Koning, Shulfer Architects, on behalf of Mark Hoover. Motion: Berg/Nimmow to adopt Resolution 10152014A. Motion carried. Berg asked the applicant to work with neighboring residents for suitable solution to the concerns raised at the Public Hearing.
- b) Consideration of request for driveway variance to allow two drives at 5291 Felland Road related to item 2a. Motion: Berg/Stieren to approve the variance to allow two driveways at 5291 Felland Rd. Motion carried.

- c) Resolution 10152014B Conditionally Approving the CSM and CUP submitted by Badger Utility. Berg noted that the ETZ and Plan Commission had productive meetings regarding the application. Motion: Berg/Nimmow to adopt Resolution 10152014B as presented. Motion carried. Richard Bloomquist, Badger Utility, inquired about the term “reviewable after five years” relating to the payment of an annual road fee. Ayers noted that she will work with Village staff to develop more definitive language prior to ETZ approval.
- d) Consideration of request submitted by Badger Utility for a driveway variance to allow two drives at their new truck/trailer storage area related to item 2c. Motion: Nimmow/Berg to approve the variance to allow two drives on the proposed new Badger Utility storage lot. Motion carried.
- e) Pay request #1 on the 2014 Roads project. Anderson introduced herself to the new Board members. She reported that the pay request in the amount of \$295,876.89 includes Change Order no. 1 which included the elongation of a culvert for safety reasons. The overall project is 20,000 under the engineer estimate. Anderson recommended payment of the amount requested less a retainage of 2.5% based on state statutes for a total payment of \$287,052.08. She also noted that the final payment will not be released until the punch list is complete and releases are received from the subcontractors. Kurt noted that there are few spots where the seeding has not taken. Anderson noted that it is the Town’s policy to have grass shoulders in residential areas and the sub will fix the areas where grass hasn’t grown. Nimmow questioned the amount of the pay request. Anne explained the process and noted that she found a math error in the contractor’s request and that is the reason for the difference between their request and her recommendation. Anderson explained that the total that will be paid on the project once retainage is released is \$294,412.39. Motion: Nimmow/Truitt to authorize payment of pay request no. 1 in the amount of \$287,052.08. Motion carried. Ayers signed Change Order no. 1 at the meeting.
- f) Terri Jacobson 5347 Regal Rd to address the Board regarding concerns about the road in front of her driveway from the 2009 road project. A letter and pictures submitted by Jacobson were included in the Board packet. She explained that when the snow melts in spring she has a “lake” at the end of her driveway. She explained that in 2009 the Town hired Payne and Dolan to repave the road and in 2010 Payne and Dolan returned to change the pitch of the road in front of her house but it did not help the situation. She noted that Town Staff tried to help by creating a drainage ditch but it wasn’t there long. When the ground is frozen the water does not drain. In addition, she has water sitting at the end of her drive during a normal rainfall. She was advised by a couple of contractors that the pitch in the road appears to be high. Kurt said it appears that there is a saw cut in front of her property only which was done to try to improve the pitch. Anderson said two things could be going on 1) the saw cut may have been intentionally dipped or 2) it may have sunk. Anderson thought it appeared to be intentional. Viney advised Kurt and Anderson to work with Jacobson to resolve the situation.
- g) Operator Licenses. Mark Lins and his boss were present to discuss items in his background check relating to alcohol. His boss noted that he has worked there for 3-4 weeks and has been very responsible. Truitt expressed his concerns about two

items so close together in the applicant's background demonstrating a lack of responsibility with alcohol. Berg agreed and noted that it has been a several years since the last instance and the applicant received counseling. Berg further noted that the Board granted the issuance of a new license in a similar situation but denied the renewal due to further instances of lack of responsibility with alcohol. Motion: Berg/Stieren to approve an Operator's License for Mark Lins. Motion carried. Truitt and Nimmow- nay.

Motion: Nimmow/Stieren to approve an Operator's License for Jason Graves. Motion carried.

- h) **CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. SEC. 19.85(1)(e)** Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session to have a discussion with Blooming Grove EMS regarding future service options. Chair Viney announced the purpose of the Closed Session as noted on the agenda. Motion: Berg/Nimmow to convene into closed session. Berg-aye, Stieren-aye, Viney-aye, Truitt-aye and Nimmow-aye. Motion carried.
- i) **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/Nimmow to reconvene in Open Session Berg-aye, Stieren- aye, Viney- aye, Truitt-aye and Nimmow-aye. Motion carried.
- j) Possible action on items discussed in Closed Session. No action was taken on items discussed in Closed Session.
- k) Approval of a "Request form for neighborhood parks repair/maintenance" submitted by the Parks Commission. Berg reported that the Parks Commission discussed the form in depth. Nimmow asked how the form would be provided to the public. Ayers reported that the Parks Commission plans to meet with neighborhood association contacts to introduce the form. It will also be available in the Town office and possibly on the website. Motion: Nimmow/Truitt to approve the request form as submitted. Motion carried.
- l) Ordinance 10152014 Renaming Wood Court in the Wood Ger Subdivision to Wood Drive. Kurt explained that Mr. Woods felt Wood Court would apply to a residential subdivision and Wood Drive would be more appropriate for a commercial area. Motion: Nimmow/Stieren to adopt Ordinance 10152014. Berg- nay.
- m) 2015 Budget. Ayers and the Board reviewed the proposed budget line by line. The following items were noted during the discussion: 1) there is sufficient reserve for legal services so nothing will be budgeted in 2015 2) the employee incentive account remains in the budget but will be used more diligently in the future 3) Ayers recommended transferring funds from the reserve for fire equipment which is no longer needed to the public works truck maintenance and repair fund to cover the shortage in 2014 and to establish a fund for future use. A budget transfer will be prepared to present to the Board after year end. 4) the

\$1,000 donation to the Token Creek Watershed remains in the 2015 but will not be paid until the Board receives information about how the funds are used. Ayers requested this information on October 8, 2014 and is waiting for a response.

Following the discussion and updates the levy needed to balance the budget is: \$697,249 and an additional \$256,336 will be levied for the road fund.

***** AGENDA ITEMS 3 AND 4 WERE SKIPPED IN THEIR ENTIRETY DUE TO THE LATENESS OF THE EVENING AND LACK OF PRESSING SUBJECT MATTER TO DISCUSS IN THESE AGENDA ITEMS*****

3) OLD/UNFINISHED BUSINESS

- a) Update on options for regulating heavy truck traffic
- b) Update on Land Division/Sub Division code revision
- c) Update on Town the UWHC at The American Center Project
- d) Update on the US 51 (Stoughton Road) Corridor Study
- e) Update on Charlotte's Walk Pond 2 un-named tributary (BB1) study

4) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission
- b) ETZ Committee
- c) Events Committee
- d) Parks Commission
- e) NECC
- f) DATC

5) NEXT MEETING DATE. November 19 at 6:00 p.m. starting with Public Hearing regarding the 2015 Budget followed by the meeting of the electors to adopt the levy and approve the road expenditures, followed by the Board meeting.

6) ADJOURNMENT. Motion: Viney/Stieren to adjourn. Meeting adjourned at 9:11 p.m.

Brenda Ayers
Clerk/Treasurer
11/11/2014