

Town of Burns
May 10, 2016
Town Board Meeting Minutes

1. The meeting was called to order by Chairman Hoth @ 7:30 pm. Roll call: Chairman (Chr.) Hoth, Supervisor (Sup.) Nuttleman, Supervisor (Sup.) Caulum, Treasurer (Tr.) Schlintz and Clerk (Clk.) Esser present. Chr. Hoth noted the meeting was properly posted.
2. Tr. Schlintz presented the Treasurer's Report for April 30, 2016, available account balances are \$242,649.78 and Rockland Cemetery \$16,304.24. Chr. Hoth noted for the record that the April 2016 Treasurer's Report was read.
3. Motion by Sup. Nuttleman to approve the April 12, 2016 minutes and May 2, 2016 special town board meeting minutes as presented. Second made by Sup. Caulum. Voice vote, all ayes, motion carried.
4. Monthly bill payments were reviewed. Motion by Chr. Hoth to approve the bills from April 13, 2016 – May 10, 2016, checks #9312– #9344 and the 2 EFT's to First National Bank. Second made by Sup. Nuttleman. Voice vote, all ayes, motion carried.
5. No citizen concerns were presented.
6. Barbara and Randy Hanson were present to discuss their Conditional Use Permit (CUP) extension request to complete the proposed detached accessory building. Motion by Chr. Hoth to approve Resolution No. 05-11-2016 #1 Whereas Barbara J. and Randy L. Hanson Joint Revocable Trust, N8283 Hall Rd., Holmen, WI 54636, were granted conditional use permit (CUP) CUP#20150419001 for one (1) nonfarm residence and one (1) detached accessory building on a 79.12 acre base tract, Town of Burns Tax Parcel is 3-921-0. Property address is W385 County Road T, Mindoro, WI 54644; And Whereas there were 6 conditions recorded in this CUP condition number 6 reads as follows: This Conditional Use Permit is conditionally approved with the stipulation that it will not be effective until such time as all the conditions listed above are met and that, if they are not met within 12 months or an extension has been applied for and granted, it shall never be effective; And Whereas conditions number 1 through 5 will remain in effect as originally recorded on this CUP; And Whereas Barbara J. and Randy L. Hanson have completed the residence as proposed but request an extension of one (1) year from June 22, 2016 to June 22, 2017 to construct the detached accessory building for the reasons described in their letter to the Burns town board dated May 1, 2016, (attached). Thereby be it resolved that the Town of Burns Town Board does hereby approve a 1 year extension for CUP #20150419001 to complete the permitted detached accessory building. Dated this 10th day of May, 2016. Second made by Sup. Nuttleman. Voice vote, all ayes, motion carried.
7. The town board reviewed the proposed notice for bids to construct a kitchen area in the Burns town hall drafted by Friends of Burns representative Steve Beezely. Motion by Chr. Hoth to let Clk. Esser put the bid notice in the paper and condense it any way she sees fit. Second by Sup. Caulum. Voice vote, all ayes, motion carried.
8. Village of Bangor President Gary Althoff noted that the reason for meeting is to explain their reasons for the Extraterritorial Zoning (ETZ), find out what the town boards concerns are and find out what direction the Town board wants to take. The Village has set it up on our end we have 3 members appointed what would be required is 3 members appointed by the Town of Burns and for those not familiar with the ETZ the real brief explanation is state statute gives the Village of Bangor the power to have a 1.5 mile zoning control outside of our corporate boundaries and we have to take the proper steps with the adjoining towns and ETZ and this allows the Village to exercise land use control over new development that otherwise might be incompatible with the Villages future growth. The one thing that I would add is that in some people's minds ETZ equals annexation, there is no connection, this is not annexation it is basically to set up a 6 member board 3 from each to discuss any development in that 1.5 mile zone. Dan Arndt our legal council is here tonight to explain any technical questions, our director of public works Steve Baker is here and our administrator Shelly Miller and Amanda O'Heron a plan commission and village board member. Zoning Administrator Bill Larson clarified that the Village can declare an interim zoning ordinance which is a freeze of the existing Town of Burns Zoning Ordinance and that has been done. There was apparently a clerical error at the first attempt at that so it was redone. If we were living under the first one it would almost be 2 years and the freeze can only last 2 years and then it ends, it can be renewed for 1 more year by a majority vote of the joint committee of the Town affected. We are not that far because the clock started over in November; so while you can declare a freeze without the Towns consent they cannot establish a permanent ETZ unless they have a majority vote of the joint committee of the Town effected; that would mean they would need all 3 members of the Village and at least 1 member of the Town of Burns who is on the joint committee. The Town has already appointed 3 members to the joint committee. The Town did submit some questions to the Village regarding interpreting the limits of the boundary of the ETZ area and we provided some information to the Village which are still standing questions. Chairman of the Town of Burns Plan Commission Gary Schomburg noted that when the Town first met with Village members Shelly and Gary and Steve this started over West Salem coming in on the Villages territory and you were concerned about that but we told you at that time we would have to have no overlap, it has to be equal

distances and then you suggested that possibly the log cabin area could be developed and the Town had no issue with that because we have very little property on that side and it was talked about that the well was there. From there it has gone to a mile and a half and now according to the paper it says you need your well protection at 1200 feet and then going an additional 1600 feet so my question is what do you really want do you want the 1.5 miles do you want the well do you want the boundary between West Salem, what do you really want. What bothers me is we are doubling up government again with this ETZ because it would have to pass our plan commission then our Town board then it is has to pass your plan commission and your Village board. We are trying to make this as easy as possible for the citizens of our Town and that is why we did our own zoning. Do you people understand Chapter 51 or 23; these are the rules we have to go by. Chapter 51 is the siting of the livestock facilities in there we can put up and livestock facility and it can be 1000 feet away from a municipal well; if the Town would approve a facility and you would deny it you would possibly open yourself up to a law suit because if all the permits have been obtained properly the DNR would more than likely back us on this. I don't know if you just want to put a well in on this side or you just want to put a well in. Village of Bangor Public Works Director Steve Baker noted that it is about a 36 month process to site a well and a lot of studies that have to be done. A high capacity well is 70 gallons/minute and if we get too many of these the aquifer will be depleted. The cost of a well would be about 2 million dollars. Gary Schomburg noted that if the Village wants a well we should be able to sit down and come to an agreement without extraterritorial zoning. Attorney Dan Arndt noted the ETZ does not go the whole 1.5 miles into the Town it goes along the highway 16 and 162 corridor. The Village of Bangor wants this to be a cooperative situation with the exception of the well head protection ordinance and this cannot get passed without a majority vote of 6 people, 3 from the Town and 3 from the Village. The Village is saying that we will incorporate the Town's zoning, this is more of a foresight thing for the Village, the annexation issue is a question that comes up with the ETZ and the ETZ makes it less of a need for the Village to annex by having input into the ETZ. Bill Larson noted it is unclear right now who should administer zoning in the ETZ but it is up to the Village to decide. Bill Larson discussed the well head protection area with the Wis. DNR and they advise a 1200 foot well head protection area so is a 1.5 mile area required to protect a well. Steve Baker noted that when they did a study for the well head protection area in 2010 the zone of influence (recharge area) for the Village wells is 8500 – 9300 feet. If a well was ever placed on the north side of the La Crosse River the ETZ area would impact the recharge area for that well. Siting a well is a nightmare because every different source of contamination must be a given distance away from the well site within a mile and a half. Gary Althoff asked if there could be 1 meeting with the Town to sit down and work on an agreement. The Town agreed informally to meet with the Village in the future to discuss the ETZ and well head protection. Gary Althoff will let Chr. Hoth know when the Village wants to meet.

9. Zoning Administrator Bill Larson noted he sent an email to the board concerning a property at N6600 Niedfeldt Road in violation of building without a zoning occupancy permit or building permit. Alvin Balmer wants to replace a mobile home which is of record; he will need a zoning occupancy permit, and the required La Crosse County permits.
10. Chr. Hoth noted he received a letter from Mathy the contractor working on state highway 162 concerning the Gaslite Estate road repair. The approach from highway 162 to the Gaslite Estates will be redone by Mathy as part of the highway 162 project. The quote to repair 2 spots on Gaslite Estate Rd. is \$5800; Chr. Hoth wonders if this may be negotiable.
11. The repair of Gaslite Estate Road should be on next month's agenda. Tr. Schlintz and Clk. Esser explained an error that occurred with Calvin Craig's paycheck.
12. Motion by Sup. Caulum to adjourn. Second made by Sup. Nuttleman. Voice vote, all ayes, motion carried. Meeting adjourned at 9:15 pm.

Jane Esser – Clerk
Approved: June 14, 2016