

Town of Burns
February 10, 2021
Town Board Meeting Minutes

1. The meeting was called to order by Chairman Nuttleman at 7:30 pm. Roll call: Chairman (Chr.) Nuttleman, Supervisor (Sup.) Caulum, Supervisor (Sup.) Hoth, Treasurer (Tr.) Anderson, and Clerk (Clk.) Hart-Pollock present. Chairman (Chr.) Nuttleman noted the meeting was properly posted.
2. Tr. Anderson read the Treasurer's report for January 2021 available account balances total \$634,201.39 and Rockland Cemetery account balance is \$220,432.99. Chr. Nuttleman noted for the record that the January 2021 Treasurer's Report was received.
3. Motion by Sup. Hoth to approve the September 1, 2020 Public Hearing and Special Town Board, December 7, 2020 Budget Public Hearing and Special Town Board, December 7, 2020 Town Board, January 13, 2021 Town Board, and January 28, 2021 Special Town Board meeting minutes. Second made by Sup. Caulum. Voice vote, all ayes, motion carried.
4. Motion by Sup. Hoth to approve bills from January 14, 2021 – February 10, 2021, checks #11201-11261 and two EFTs from First National Bank. Second by Sup. Caulum. Voice vote, all ayes, motion carried.
5. There were no citizens' concerns reported. There were citizens and guests in attendance to discuss use of ATV and UTV's on township roads.
6. Chr. Nuttleman motioned to set public hearing date for March 4, 2021 at 7:30pm for Conditional Use Permit No. Set public hearing date for Conditional Use Permit No. 2021020301 Joseph and Katie Cook, N8962 State Road 162, Mindoro, WI 54644 applies for conditional use permit to create a 2.88 acre lot for a Non-Farm Residence (NFR) and/or Non-Farm residential appurtenances for a Non-Farm Base Tract as defined in the Town of Burns Zoning Ordinance (TBZO). The Base Tract is made up of Tax Parcels 3-864-0, 3-862-0, and 3-857-0. The Base Tract is 60.62 acres. So, therefore 60.62 acres divided by 21 equals 2.8867, or 2.89 acres developable for NFR uses in the subject Base Tract. A 1.31 nonbuildable outlet is also anticipated and requested. Second made by Sup. Hoth. Voice vote, all ayes, motion carried.
7. Town Zoning Administrator Bill Larson reported the following:
 - Not much going on.
8. Discussion on the use of ATV and UTV's on township roads
 - Clk. Hart-Pollock shared a draft of the ATV and UTV Ordinance with the town board.
 - La Crosse County Sherriff Jeff Wolf attended the meeting. Sherriff Wolf shared the following:
 - i. Sherriff Wolf knew this would be coming to our county as it's developing in Northern Wisconsin and a lot has occurred in the last few years related to State laws and ordinances. Sherriff Wolf's goal is as the Sherriff Department is the primary responsibility for enforcement that there is consistency between the county, townships, and villages with ordinances.
 - ii. Prior to 2017 a road route could only be used to connect a trail. It was intended to allow ATVs to use a roadway to cross a bridge, to enter a town for gas, pass through a village, and go trail-to-trail.
 - iii. In 2017 there was an act that passed that allowed counties, cities, villages, and townships to open up any roads they so choose without DNR approval. Due to tourism in Northern Wisconsin "went crazy" because it's a \$6 billion industry. Some counties would have county ordinances, township ordinances, and village ordinances with none of them the same and basically unenforceable.
 - iv. La Crosse County has had an ordinance for ATVs since either 2009 or 2010 that allowed CTH Q to connect a trail from Burr Oak to Hoeth Forest. Knowing this was coming the Town of Farmington approached the County Board about opening up other county roads for purposes of accessing Mindoro, Stevens Town, and potentially connecting to trails in Jackson County.
 - v. Sherriff Wolf said he took the County Ordinance and looked at all the state statutes and made sure that it was wrote in the simplest form to adopt state statutes and DNR statutes. It is Sherriff Wolf's goal that if a county road is opened which leads to a township opening up a town road that we have consistency with the ordinance so the citation can stand up in court.
 - vi. Sherriff Wolf shared copies of the County Ordinance.
 - vii. The process is: if the Town Board would like to open up a county road the request needs to go to the County Highway Commissioner, then approval from the County Sherriff, then the County Highway Commission will take the proposal to the County Public Works Committee.

So far, the County has not denied any as long as it comes with the Town Board's approval. Sherriff Wolf said it would make most sense to get county roads opened first prior to any township roads.

- viii. ALL ATV routes need to be properly posted and signed. All county roads will be signed by the County Highway Department and they will do that once roads are approved and the bill will go directly to whomever is paying for the signage and labor.
- La Crosse County Sherriff Wolf asked if there were any questions.
 - i. Sup. Hoth asked about the crossing laws from CTH J north of Village of Rockland to cross STH 16 to Big Creek Road.
 - a. Sherriff Wolf said one can cross a STH as long if it's a direct pass. Sup. Hoth said it is not a direct pass. Sherriff Wolf said clarification is needed for that intersection.
 - b. Village of Rockland Trustee Ole Mathison shared that the State of Wisconsin can shut down that intersection if they feel it is not safe. Ole Mathison said approval is not needed, but the state can shut it down. The representative Ole Mathison spoke with from the State of Wisconsin said there could be an option of making a trail on the side to cut up onto Big Creek Road.
 - c. Sherriff Wolf has been asked about the safety of that intersection and almost 40 fatalities in the last three years.
 - Ch. Nuttleman asked if there were any other questions. Discussion on the following:
 - i. Barry Rumble, resident of Burns, asked what is the procedure coming up with the Town Board. Chr. Nuttleman said the group from Rockland are asking for Garves Coulee, Jewett, Neidfeldt, Big Creek, and Culpitt Roads to be opened so they can access Monroe County roads. Barry Rumble suggest a referendum at an election and to put it to vote.
 - ii. Sherriff Wolf asked if the Burns Town Board recommended to the Highway Commissioner CTH DE, E, and EE that are requested by the Tri-County Trail Blazer ATV Club of Mindoro. Yes, and the portion of CTH J south of the Village of Rockland and Town of Bangor.
 - iii. Ole Mathison said to consider it may be cheaper to open all the roads due to the signage expense.
 - iv. Mike Mercer, resident of Village of Rockland, said there is a club formed that covers western Monroe County and eastern La Crosse County. Ole Mathison said the club has the signage expense covered.
 - v. If unable to gain access from CTH J to cross STH 16 onto Big Creek Road, the other option is in Monroe County at Icarass Road to CTH BC. Sup. Caulum spoke with representatives at the State of Wisconsin and one representative feels that crossing STH16 from CTHJ to Big Creek Road may not be approved due to the two "blow by lanes" STH 16 currently has. But clarification from the State is needed.
 - vi. Sherriff Wolf stressed to follow the La Crosse County Ordinance.
 - vii. Rob Everson, resident of Burns, suggested the board distance themselves from the decisions and put the decision up for referendum.
 - viii. There was much debating between attendees of the meeting.
9. Chr. Nuttleman appointed Wayde Pollock to the Planning Commission.
10. Chr. Nuttleman motioned to pay \$15.00 per hour for two people to clean the town hall plus expenses purchased. Second made by Sup. Hoth. Voice vote, all ayes, motion carried.
11. ▪ Tr. Anderson reported tax collection went good with this past year not in-person.
 - Rob Everson would like to have discussion on driveway permits to include fees and have an engineer inspection.
 - Clk. Hart-Pollock gave reported that Patti Evans, Cynthia Huffman, and Elaine Schmidt are working the Spring Primary Election.
 - Next meeting date is Wednesday, March 10, 2021 at 7:30 pm.
12. Motion by Sup. Caulum to adjourn. Second made by Sup. Hoth. Voice vote, all ayes, motion carried. Meeting adjourned at 8:30 pm.