

## **Town of Burke Board Meeting Minutes – March 20, 2013**

**6:00 p.m.**

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Searls and Supervisor Munson. Excused: Supervisor Hess. Also in attendance: Brenda Ayers, Clerk/Treasurer; Ron Kurt, Public Works Lead; Kim Peterson, Deputy Clerk/Treasurer; Chris Hughes, Town Attorney and Anne Anderson, Town Engineer. 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. Public Hearing regarding a Conditional Use Permit (CUP) submitted by Jagdish Agrawal/Mandir of Madison for the purpose of renewing the existing CUP for religious uses of a Temple and Community Center on the property located at 3393 Burke Road (parcel number 0810-252-8570-0). No one spoke for or against the application.
- e. Approval of minutes from the February 20, 2013 Board meeting. Motion: Searls/Munson to approve the minutes as presented. Motion carried.
- f. Public Works report. Kurt reported that he will meet with Crackfilling Service soon to discuss 2013 projects.
- g. Clerk/Treasurer report. Ayers reported that the spring newsletter was mailed on March 19. Staff is preparing for the April 2 election.
- h. Finance Report. The Profit and Loss Budget vs. Actual report and Cash On Hand report as of February 28, 2013, and were distributed at the meeting.
- i. Approval of Bills. Board members reviewed the bills and signed the Town Board Approval cover sheet for check number 25829-25887 and payroll related disbursements number 2615-2643.
- j. Public Concerns: Members of the public expressed their concerns about not being able to speak at the Plan Commission meeting and this meeting regarding the Madison Block and Stone CUP. Attorney Hughes noted that the Town was not legally obligated to allow public input at the Plan Commission meeting. He further explained that since there have not been any significant changes to the application since the Public Hearing on February 20, the Town is not obligated to hold another hearing.

### **2. NEW BUSINESS**

- a. Resolution 03202013A Conditionally Approving a Conditional Use Permit (CUP) submitted by Jagdish Agrawal/Mandir of Madison for the purpose of renewing the existing CUP for religious uses of a Temple and Community Center on the property located at 3393 Burke Road (parcel number 0810-252-8570-0). The original CUP was approved in 2008 with a five year term limit. The only condition of approval for the new CUP in the resolution was that the CUP expires on October 27, 2036, as recommended by the Plan Commission on February 27. Berg reported that he was on the Plan Commission when the original CUP was

considered and thought that the intent was to put a five year limit on the CUP and if things went well, the term limit would be removed at the end of the five years. Since the applicants have been good neighbors and provide a benefit to the community, Berg recommended removing the expiration date of the CUP from the resolution. Attorney Hughes noted that it would be appropriate to remove the term limit in the resolution and that the only basis for a term limit is if it is significant to the application. Motion: Berg/Searls motion to approve the resolution with the removal of the term limit. Motion carried.

- b. Resolution 03202013B Conditionally Approving a Conditional Use Permit (CUP # 2228) submitted by MSA on behalf of Madison Block and Stone for the purpose of mineral extraction and re-grading the property located at 5813 US Hwy 51. The resolution included 18 conditions recommended by the Plan Commission. Berg said that he was contacted by residents in the area and one concern that has not yet been dealt with is access from Acker Road. There is concern about the visibility at the top of the hill and that the intersection at 51 and Acker is not controlled by a stop light as is the intersection of Hoepker Road. Berg asked Jayme Anderson (property owner) if there is a compelling reason to use Acker Road for access. Anderson responded that they currently use Acker Road for truck access, as do other businesses in the area. Searls inquired about the increase in truck traffic. Joe DeYoung, MSA, noted that they do not foresee an increase in truck traffic because they will be selling the stone from the quarry rather than having stone hauled in from other places. Viney said that if they currently sell only to individuals with small pick ups the increased inventory would give them the ability to sell to contractors with large trucks. Anderson said their current customers include contractors with large trucks and the 10 year life of the quarry is based on present sales quantities. DeYoung asked if the access on Acker Road is a safety concern. Berg responded yes and noted that he feels Hoepker Road has better access due to the controlled intersection. Searls noted that he shares Berg's concern and that stop lights make the intersection safer and reduce traffic for residents. Searls also acknowledged that Anderson can control how his employees access the site but it will be difficult to control the general public. Berg said he heard that most of the crushed rock is being sold to the Highway 51 project. Anderson said he does not have a contract for Highway 51 or any other WisDOT project. Searls stated that he would like to add condition number 19 to require that trucks owned operated under control of Madison Block and Stone use Hoepker Road for access to and from the property. Searls said that Jayme Anderson told him that he was willing to meet additional requirements and he asked Anderson to state those requirements. Anderson stated that the blasting plan includes a preblast inspection completed by a third party for homeowners or business owners within a certain distance as defined by the State. The owners can sign a waiver if they choose not to allow the inspection. There will also be a notification sheet for blasting notices. Interested parties within a distance defined by the State can list their name, phone number and email address to be notified 24-48 hours before the blasts. Anderson said he will

also offer third party inspection tests for wells prior to blasting to property owners. Berg noted that this has been a difficult process for everyone and he would like to see everyone to take step to restore cordiality. Jayme Anderson said that to resolve the water issues on Acker Road with the Town's approval, he will work with the Town to install additional ditching along his property at his expense. Hughes asked if the blasting plan includes the well tests. Anderson responded no. Hughes noted that if the Town is interested in enforcing the offer of well testing, they should list it as a condition of approval since it is not included in the plan. DeYoung stated that it would be preferable that the tests are offered to the property owners within the same distance as the notice requirements set by the State to be consistent. Motion: Searls/Berg to approve Resolution 03202013 with the addition of the following conditions: 19) Trucks owned, operated by and under the control of Madison Block and Stone shall use Hoepker Road for ingress and egress to and from the site (except when the Hoepker Road driveway is temporarily closed) and 20) The operator shall offer preblast well testing to adjoining property owners within the same proximity to the site as the State required blasting notices are sent. Motion carried.

- c. Discussion of the process for updating the Land Division and Subdivision Code and Erosion and Stormwater Runoff Control Ordinances and appointment of review committee members. Hughes stated that the plan was to begin working on the ordinance update this spring. Any updates to the ordinances must match the Comprehensive Plan which was required to be adopted by 2010. Section 18 of the Boundary Agreement states that the Town adopted a Comprehensive Plan on September 13, 2005. Town staff has not located the comprehensive plan. Anderson checked the DOA and County website and both reference the Town's Land Use Plan but have no information regarding the Town's adoption of a comprehensive plan. Anderson reported that a planner (Dustin Wolff) from their office is reviewing the Land Use Plan to see if it matches the smart growth requirements. Since the Town's Land Use Plan was adopted in 1999, it is unlikely that it meets the required elements. Mead and Hunt will be able to assist the Town in writing a Comprehensive Plan incorporating items from the Land Use Plan and Boundary Agreement. More information will be presented at the April Board meeting. Viney suggested that staff contact Stan Riffle (previous Town Attorney) to see if he has a copy of the comprehensive plan. Ayers has also asked MSA to check their records since they were the Town's Engineer at the time.
- d. Biennial Group Stormwater Discharge Report. The report was emailed to the Board members and a hard copy was available for review in the Town office. Motion: Berg/Munson to approve the Biennial Group Stormwater Discharge Report and to authorize AECom to submit the report. Motion carried.
- e. Dane County Ordinance Amendment 42, 2012-2013. Motion: Berg/Searls approve the ordinance amendment. Motion carried.
- f. US 51 (Stoughton Road) Corridor Study. Kurt attended a meeting on March 19 regarding the environmental impact study for the proposed

reconstruction of US Highway 51. Three alternatives are being considered for the reconstruction from Voges Road to State Highway 19. Kurt will serve on the expert panel as a representative of the Town of Burke. A preferred alternative based on input from the expert panel will be chosen in the fall.

- g. Operator's licenses. none
- h. Designating one Board meeting per month. Motion: Searls/Berg to hold Board meetings on the third Wednesday of each month. Motion carried.
- i. Set April Board meeting date. Motion Berg/Searls to hold the April Board Meeting on Tuesday, April 16, immediately following the Annual Meeting which begins at 6:00 p.m.

### 3. OLD/UNFINISHED BUSINESS

- a. McCoy Road repairs. Kurt distributed pictures of McCoy road. A revised project estimate in the amount of \$123,648 (includes ditching and design costs) and a Professional Services Acknowledgement from Mead and Hunt in the amount of \$25,800 were included in the packet. Kurt reported that the plan is to pulverize and repave from the Town line to just past the entrance to the McCoy farm. Anderson reported that they have not determined how much ditching will be required. A survey will be done once the snow melts to gather additional information. Motion: Searls/Munson to approve the Professional Services Acknowledgement in the amount of \$25,800. Motion carried.
- b. Status of the possibility of extending/connecting Token Rd and Bull Run as requested by the City of Sun Prairie. Ayers, Anderson and Kurt met with Daryl Severson and Todd Anderson of Sun Prairie. Sun Prairie does not have information regarding potential traffic counts and it is not easily obtainable. Sun Prairie plans to connect Main Street in 2014. Sun Prairie is interested in having both Token Road and Bull Run opened simultaneously. If the Town agrees, the City will take lead with the survey and design with input from Mead and Hunt. Severson indicated that it appears that the City is willing to absorb the cost of the extension. Ayers asked if the Board members wanted to schedule another meeting with City Officials to obtain additional information regarding project costs or if they wanted to schedule a public input meeting first. The Board decided to hold a public input meeting on May 1 at 6:00 p.m. and invite residents on/in: Rattman Road down to the stop lights at Hwy 19, Huntington Meadows, Bull Run, Token Road, Ledges, Gehrke's, Charlotte's, Sunburst and Sunhill.
- c. Update on the DOT Highway 19 Bridge Project. Kurt attended a public information meeting. The project is schedule to last 58 days but the DOT has included incentives to complete the project sooner. The DOT will also set money aside for monitoring roads for overweight vehicles. A website is being developed to provide daily updates on the project. Access to businesses and residences will remain open and businesses will be allowed to put up signs noting that customers can access their site.
- d. Update on Charlotte's Walk Pond 2 un-named tributary (BB1) study. No update.

4. COMMITTEE REPORTS (AS APPLICABLE)

- a. Plan Commission- met February 27 to consider the CUP for the Temple on Burke Road and to recommend further conditions for the CUP requested by Madison Block and Stone due to input received at the public hearing.
- b. ETZ Committee- no report.
- c. Events Committee- Easter Egg hunt is Saturday, March 23. Arbor Day will be on April 27 and includes a tree dedication in honor of Bert Wilson.
- d. Parks Commission- no report.
- e. Fire Commission- Searls and Ayers are exploring options for service for 2014 and beyond.
- f. NECC- Next meeting is April 29.
- g. JRTC- the part-time tourism administrator resigned. Ayers is assisting in the hiring process to fill the position.
- h. NE FUDA- next meeting is April 16.

5. ADJOURNMENT. Motion: Berg/Munson to adjourn. Motion carried. Meeting adjourned at 7:57 p.m.

Brenda Ayers, Clerk/Treasurer  
Town of Burke  
04/11/2013