

Town of Burke Board Meeting Minutes – March 21, 2012
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Hess, Supervisor Munson and Supervisor Searls. Also in attendance: Brenda Ayers, Clerk/Treasurer; Ron Kurt, Public Works; Kim Peterson, Deputy Clerk/Treasurer; Anne Anderson, Town Engineer and Kelly Mattfield, AECOM. See attached list for other interested parties in attendance.

1. ADMINISTRATIVE

- a. Determination that a quorum is present and that the meeting was properly posted.
- b. The meeting was called to order at 6:00 p.m. by Viney.
- c. The Pledge of Allegiance was recited.
- d. Approval of February 15 & 22, 2012, Board meeting minutes.
Motion: Hess/Munson to approve the minutes as presented. Motion carried.
- e. Public Works report. Kurt reported road bans were on as of March 5 and will be on for another week. There is a new house under construction in Charlotte's and Kurt gave the builder instructions to only bring in half loads. Staff is cleaning up trash along the roadways and filling potholes. The salt has been removed from the trucks. Kurt is waiting on one invoice but the salt budget looks good with only \$14,000 spent in the 2012 season. Kurt and Jeff from Crackfilling Service inspected the roads for work in 2012. Kurt will be out of the office April 4-13.
- f. Clerk/Treasurer report. Ayers reported that she and Kurt have been working with Waste Management to move to automated pick up starting May 2. The final distribution from the EMS district dissolution from Maple Bluff was received earlier in the year. Copies of the letters to Village of DeForest staff and the Zoning Board of Appeals Chair regarding the variance granted to NAMI/Welton were included in the packet. Just prior to the meeting, Ayers received a letter from Village staff indicating that the Village will update their procedures to include a formal notification to the Town but will not revise the Village Code to grant the Town review authority for variances.
- g. Finance Report. The Cash on Hand report through February 29 was included in the Board Packet. The Profit and Loss Budget vs. Actual was as of February 29, 2012 was distributed at the meeting.
- h. Approval of Bills. Board members reviewed the bills and signed the Town Board Approval cover sheet for check number 24973-25043 and payroll related disbursements number 1935-1963.
- i. Public Concerns: Peterson read Deputy Veto's written report.

2. NEW BUSINESS

- a. Discussion with Kelly Mattfield of AECOM regarding TMDL stormwater requirements and options for compliance. Mattfield distributed handout regarding TMDL requirements. Mattfield reported that the Rock River TMDL was approved by the DNR and EPA in 2011 to address impairments caused by suspended solids and phosphorus. Unlike the previous 40% TSS requirement, the State cannot eliminate these standards because it is also a Federal requirement. The requirements need to be met within the next three permit cycles (five year permits); however the Town cannot wait until the end of the fifteen year period to do something to comply with the requirements. Currently the TMDL reports do not match the MS4 permit due to differences in boundaries. WI DNR is establishing a statewide committee to correlate the MS4 info and TMDLs. There are a couple of options for compliance: traditional methods including swales and ponds; water quality trading and adaptive management; or a combination thereof. Based on the available information, it is estimated that phosphorus control using traditional methods would cost the town \$228,000- \$680,000 per year. Madison Metropolitan Sewerage District is working on a pilot using the Adaptive Management approach. The cost to Burke to participate in the pilot is \$28,600 spread over three years. The cost is based on the TMDL. Berg expressed his concerns about Token Creek being under county control but impacting Burke's TMDL. Mattfield explained that the county is also participating in the pilot. Hess asked if the change in the Charlottes Walk pond should be included in the model. Anderson explained that it was not in the model because it was built after the standard was in place so it was built to standards. Mattfield explained that the existing MS4 permit only pertains to preexisting structures. The TMDL includes existing and new construction. Mattfield said she so does not see any big drawbacks in participating in the pilot. She acknowledged that the numbers are not 100% accurate but feels that participation in the pilot will aid in adjusting the numbers prior to going full scale. Mattfield explained that participation in the pilot does not bind the Town to participate in full scale implementation, however if the Town does not participate in the pilot they may be asked to contribute the pilot costs if they decide to participate in the full scale Adaptive Management program. Mattfield also noted that the success of the Adaptive Management program is beneficial to the residents of the Town that are in the sanitary districts because MMSD's user costs will go up drastically if they have to use brick and mortar methods to comply with the TMDL. Dave Taylor or Kathy Lake from MMSD will be present at the April 18 Board meeting to answer specific questions regarding Adaptive Management. Mattfield noted that the pilot project starts in 2013 and will last for three years.

- b. Sealcoating estimates for 2012. Kurt reported that he previously mentioned sealcoating Rattman, Thorson and Daentl (estimates for these projects were included in the packet). However, after further review he recommends putting off Thorson Road for another year. Instead of Thorson, he recommended Sommer Valley Circle, Mary Ida, Stevens Drive, Riedner Court and Pederson Drive. Kurt asked Greg Petersen from Dane County for estimates on these projects but has not received the numbers yet. He estimates that the costs for these will be similar to the costs for Thorson even though they total a little more in mileage because they do not involve striping. Kurt also noted that he spoke with the City of Sun Prairie and they are aware of their portion of the costs for Rattman Road. Related to the 2012 road projects, Anderson noted that plan originally included removing the culvert at the top of Kittleson Court; however the property owner has expressed concerns about the effect on his property. Although the Town has easement authority to remove the culvert, Anderson recommends holding off until additional information is gathered. It was suggested that if further investigation reveals that it is beneficial to remove the culvert, it could be done in conjunction with future reconstruction of the road. Kurt noted that the recent pond reconstruction should help alleviate the flooding in the area. Motion: Hess/Searls proceed with contracting with Dane County to seal coat Rattman Rd, Daentl Rd, Sommer Valley Circle, Mary Ida, Stevens Dr, Riedner Ct and Pederson Dr including striping as needed. Motion carried.
 - c. Ordinance No. 032102012 extending the terms of town officers in accordance with Act 115. Motion Berg/Searls to approve Ordinance 03212012 as presented. Motion carried.
 - d. Operator's licenses- none.
3. OLD/UNFINISHED BUSINESS
- a. Charlottes Walk Pond project update and consideration of pay request #2. Anderson explained that the tracking pad and was changed in the project to meet DNR standards and an additional tree was removed which resulted in additional costs. Money will be saved on the import of topsoil because the contractor plans to use the salvaged topsoil on the project. The length of the box culvert was extended but the contractor agreed to use the as bid quantity. Hess questioned the additional cost on item 2.07. Anderson explained that the contractor used concrete over the lift holes on the culvert which resulted in the use of more gravel because the driveway was higher than anticipated. Searls asked if Anderson is satisfied with the quality of work. Anderson explained that the contractor did a decent job but she did more watching than she normally would have which resulted in an overage in the engineering. Viney noted that project looks good. Anderson reported that the seeding is scheduled to be complete in the next couple of weeks. Berg asked if the mild winter was a concern. Anderson said the contractor was very diligent about completing the project when conditions were right. Kurt reported that he was pleased that the contractor did not cause any problems for the road which is already in

need of repair and the kept the road clean. Motion: Hess/Munson to approve pay request #2 in the amount of \$64,133.02. Motion carried.

- b. A request from Jim Biersach to shoot of fireworks at the Town Hall park on May 20, 2012, for a private party. Biersach stated that fireworks are patriotic and celebratory. He as a good track record with Columbus. He has personal liability coverage and coverage through Spectrum Pyrotechnics. Reading from the Town's Ordinance 7-7-1 (c) (3) who may obtain a permit, Hess asked Biersach if he was considered one of the items listed in a.-f. Biersach indicated that he did not qualify for any of the items listed but felt that his permit through the Department of Commerce made him exempt from needing a permit. Ayers noted that she spoke with a representative of the Department and was informed that the permit allowed Biersach to manufacture fireworks and that the authority to issue permits to use fireworks is given to the municipality, not the State. Berg noted that he is generally opposed to changing the ordinance for the benefit of one person. Hess noted that he is not the only person that has been denied because they did not meet the provisions of who may obtain a permit in the ordinance. Hess recommended that the Board uphold their original decision to deny because 1) the applicant's history of using illegal fireworks in the Town 2) public safety in the park 3) if the Board were to grant the permit it could be viewed as having discriminated against other residents who have applied in the past. Hess further suggested that the applicant gather other residents to appear at the Annual Town meeting to request that the Board consider revising the ordinance.
- c. Discuss rutted shoulders in areas of Town that were seeded last year. Searls explained that it is the Town's right of way and he would not feel comfortable asking the residents to fix the ruts themselves. He asked Kurt if staff would have the ability to fix the ruts instead of hiring someone to do it. Kurt responded that staff has the ability to complete the work but he will be out of the office the 1st week in April and that staff will begin chipping the 2nd and 3rd weeks in April. Motion: Searls/Berg to get estimates for outsourcing the repairs. Motion carried.

4. COMMITTEE REPORTS (AS APPLICABLE)

- a. Plan Commission/ETZ Committee- Plan Commission met on March 14, regarding a rezone and CSM submitted by Stroud, Willinick and Howard on behalf of Mart enterprises to split off a one acre parcel to be used for possible future expansion of a neighboring business. The ETZ will meet on April 24 to review DeForest code revisions.
- b. Parks Commission- Berg is working on gathering information prior to contacting potential members.
- c. Fire Commission- next meeting is March 22.
- d. NECC- next meeting is April 30.
- e. JRTC- a new employee has been hired through the Chamber to work only on tourism efforts.

5. **CLOSED SESSION: The Town Board will convene into closed session pursuant to Wis. statute 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 discuss the status of existing fire service contracts and a proposed IGA related to personnel. Motion: Berg/Searls to convene in closed session. Roll call: Berg- aye, Searls- aye, Viney-aye, Hess-aye, Munson-aye. Motion carried.
6. **OPEN SESSION:** the Town Board will reconvene into open session pursuant to WI Statutes 19.85 (2) for discussion and possible action regarding matters discussed in Closed Session and to proceed with other items on the agenda. Motion: Viney/Hess to reconvene in Open Session. Motion carried. No other action was taken.
7. **ADJOURNMENT**
Motion: Berg/Hess to adjourn. Motion carried. Meeting adjourned at 8:04 p.m.

Brenda Ayers, Clerk/Treasurer
Town of Burke
4/13/2012