

Town of Burke Board Meeting Minutes – May 4, 2011
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 and Kim Peterson, Deputy Clerk/Treasurer. 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 6:02 p.m. by Viney.
- c. The Pledge of Allegiance was recited.
- d. Approval of April 6 and April 12, 2011, Board meeting minutes. Motion: Hess/Munson to approve the minutes as presented. Motion carried.
- e. Public Works report. Kurt reported that the snow removal equipment has been removed from the trucks. The millings from the 2011 roads project will be save for shouldering projects. CJs started mowing last week. Staff picked up sticks in parks. There is a small air leak in International. Kurt and Schleicher shoveled out a culvert on Hoepker road. Tiger Johnson will sweep the catch basins and streets. There are currently 4 new homes being built in the Town.
- f. Clerk/Treasurer report. Ayers reported that she and Gene Benisch were at the City-County on April 29 for the recount of the April 5 election. She met with Tim Saterfield regarding the County redistricting and it appears the Town will continue to have only one supervisory district. Board of Review will be held on May 31 from 6-8 p.m. The Schlobohm trial has been scheduled for June 15 at 1:30 p.m. in the City of Madison.
- g. Finance Report. The Cash on Hand report through March 31 was included in the Board packet.
- h. Approval of Bills. Board members reviewed the bills and signed the Town Board Approval cover sheet for check number 24414-24440 and payroll related disbursements number 1618-1632.
- i. Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. Deputy Veto reported that there were 124 calls in the Town of Burke in the Town of Burke in April. Sixty-eight citations were written through Dane County and Seventy-six were written through NECC. Veto will be attending training May 23-27. He is waiting on approval to attend training June 6-10 and 24. Searls asked if Deputy Blake will fill in on those days. Veto will check with his boss. Hess suggested that the Personnel Committee give a list of days they are available to meet to Ayers in response to her email about the anniversary of the staff reorganization. Searls suggested that feedback could be provided to/from the employees during the annual reviews.

2. NEW BUSINESS

- a. Recommendation from the Plan Commission regarding a rezone request (from A-1 and A-B to C-2) by JAD Land Development LLC, property located at 3370 Burke Road (parcel numbers 0810-243-4001-0, 0810-2434004-0, 0810-234-4007-0, 0810-243-4010-0, 0810-243-4013-0, 0810-243-4016-0, 0810-243-40190-0, 0810-243-4022-0, 0810-243-4025-0, 0810-243-40280-0 and 0810-243-4031-0). Mike Lawton, attorney for JAD, stated that he read the Plan Commission read minutes thought they looked good. Hess reported that the Plan Commission recommended approval and read Plan Commission motion from the minutes (copy of an

excerpt attached). Motion: Hess/Searls to approve the rezone request as recommendation by the Plan Commission. Motion carried.

- b. Operator's licenses. Motion: Searls/Hess to approve licenses for Sandy Kreger and Sharon Voss. Motion carried.
- c. 2010 Audit. Hess questioned the statement in the second to the last paragraph in the Independent Auditor's report. Ayers explained that the Town has made the decision not to follow GASB 34, which requires an inventory of all fixed assets including infrastructure, the report reflects that the financial statements are not accurately represented. Many smaller municipalities made the decision not to inventory the assets due to the costs involved with gathering the information. Hess asked if the Town is subject to Sarbanes-Oxley. Ayers said she was not aware of the requirements of Sarbanes-Oxley and she would check into it. Motion: Berg/Munson to accept the audit of the financial statements. Motion carried.

3. OLD/UNFINISHED BUSINESS

- a. 2011 Road Projects update. The Board was provided with the updated project schedule and cost estimates. Kurt and Ayers met with Lew of Mead and Hunt to review the 75% plans. Ayers noted that she would loan a copy of the plans to the Board members. Kurt noted that the shouldering projects call for a grass that is tolerant to salt.
- b. Update Town Storm water issues-Charlotte's Walk, Wynbrook and Raintree subdivisions including private culvert replacement options. A letter from Anne Anderson regarding options for the culvert was included in the Board packet. The Board agreed that option B was the best alternative as recommended by Anne. Searls volunteered to represent the Board at a meeting with Mr. Lothe.
- c. Possible Town TIF. Ayers reported that she had a conversation with Dan Ramsey and he appeared to understand that the Town was generally in favor of a cooperative but was not in a position fully fund the up front costs.
- d. Status of attachment of right of way to Village of DeForest for Williamsburg Way Street extension. No action was taken.
- e. Update on the Token Creek Park plan. The latest version of the plan includes the relocation of the entrance to Anderson Road. Ayers will invite Chris James to a future board meeting and contact Dane County Supervisor Wiganowsky for assistance.

4. COMMITTEE REPORTS (AS APPLICABLE)

- a. Plan Commission/ETZ Committee- Hess reported that the next ETZ meeting is May 10.
- b. Parks Commission- Munson reported that the Easter Egg Hunt and Arbor day were well attended. Jerry Simon submitted a request for \$30 to repair a rotted wooden bench in the park in Rattman Heights.
- c. EMS Committee- no report.
- d. Fire Commission- no report.
- e. NECC- Searls reported that all is well.
- f. JRTC- Ayers reported that the group continues to work on the marketing plan.

5. ADJOURNMENT

Motion: Viney/Searls to adjourn. Motion carried. Meeting adjourned at 7:12 p.m.

Brenda Ayers, Clerk/Treasurer
Town of Burke
5/13/2011

EXCERPT FROM THE

Town of Burke
Plan Commission Minutes
April 13, 2011

Discuss/possible action concerning a rezone request (from A-1 and A-B to C-2) submitted by JAD Land Development LLC, property located at 3370 Burke Road (parcel numbers 0810-243-4001-0, 0810-2434004-0, 0810-234-4007-0, 0810-243-4010-0, 0810-243-4013-0, 0810-243-4016-0, 0810-243-40190-0, 0810-243-4022-0, 0810-243-4025-0, 0810-243-40280-0 and 0810-243-4031-0).

Dan Birrenkott addressed the runoff concerns raised at the Town Board meeting. Hess reminded the group that the rezone is the only item of action and that the Town will have further review when the plat and site plans are filed.

Plan Commission members were provided the list of allowable uses as amended at the previous meeting which included the corresponding County Zoning code. They also received the list of "Requested Modifications to Plan Commission List of Permitted Uses" submitted at the April 6 Town Board meeting by the applicant's attorney.

Hess reported that in a letter to Dane County Zoning dated March 18 from Michael Waidelich (copy attached) the City of Madison requested that the following conditions are attached to the proposed rezone: 1) the applicants record a condominium removal for the entire JAD Condominium prior to the C-2 zoning taking affect 2) the applicants execute a restrictive covenant benefitting the City of Madison in a form approved by Dane County and the City of Madison prior to the C-2 zoning taking affect. Said covenant shall include the list of allowable uses and a prohibition against the placement of billboards on the property. Hess also noted that the City has also discussed excluding retail and service uses, mobile home sales, drive-in establishments, taverns and car washes with the applicants.

Hess reported that in an email to the Town Clerk dated April 12 (copy attached), Roger Lane of Dane County Zoning recommended that the "assembly of motor vehicles" is not added as an allowable use because it is listed in the M-1 zoning district, not C-2.

Motion: Hess/Walsh to recommend approval of the rezone to C-2 to the Town Board contingent upon the filing of a restrictive covenant prohibiting retail establishments and drive ups, limiting all work/storage to the inside of a building, and allowing only the following uses from the Dane County Zoning Code: 10.14 (1)(b) Major repairs to motor vehicles (inside only); 10.14 (1)(q) Parking and storage of motor vehicles; 10.14 (1)(s) Warehouses; 10.14 (1)(u) Mini-

warehouses; 10.13 (1)(e) Banks, offices, office buildings and condominium office buildings devoting not more than two (2) floors to office space; 10.13 (1)(j) Woodworking shops, machine shops, manufacturing and assembly plants; 10.13(1)(L) Rental businesses, except for motor vehicles and construction machinery and equipment; 10.13 (1)(i) Distribution centers and wholesale business; 10.13 (1)(c) Warehousing and storage incidental to a permitted use on the premises (internal storage only); 10.141 (1)(a) General mechanical and landscape contracting businesses and building used in connection with such activity; 10.141 (1)(b) Storage of construction equipment necessary for the operation of a general, mechanical or landscape contracting business and permitting the following use from the Dane County Zoning Code subject to the granting of a CUP: 10.14 (2)(i) Residence for a watchman or caretaker; 10.13 (2)(j) Communication towers; 10.13 (2)(m) Government uses; 10.13 (2)(n) Agricultural uses and allowing the following use only on lot 11: 10.141 (1)(g) A single family residence for an owner of the business or a caretaker contingent upon the aforementioned conditions requested by the City of Madison. Motion carried.