

TOWN OF BURKE BOARD MEETING, July 16, 2014
Which Began At 6:00 p.m.

Board Members in attendance: Chairman Viney; Supervisor Berg; Supervisor Hess; Supervisor Nimmow. Also in attendance: Brenda Ayers, Clerk; Kim Peterson, Deputy Clerk/Treasurer; Ron Kurt, Public Works Lead; Town Attorney Bryan Kleinmaier. See attached list for other interested parties

ALL AGENDA ITEMS ARE SUBJECT TO POSSIBLE ACTION

1) ADMINISTRATIVE

- a) It was determined that a quorum is present and that the meeting was properly posted.
- b) The Meeting was called to order at 6:00 p.m.
- c) The Pledge of Allegiance was recited.
- d) Approval of minutes from the June 18, and June 30, 2014 Board meetings.
Motion: Hess/Berg to approve of the minutes from the June 18 and June 30, 2014 Town Board meeting. Motion carried.
- e) Public Works report. Kurt reported that crack filling would be starting the week of July 21 and will take 3 or 4 days. Half of the road shouldering has been completed. Upcoming chipping the weeks of August 4th and 11th. CJ's has completed weed spraying for the season. Last week wood chips were put in at the Foxmoor Park. There are some storm water issues on Haase Road. A sink hole formed and has been repaired and patched. The water is not flowing correctly into the retention pond.
- f) Clerk/Treasurer report. Ayers reported that she will be attending a Clerk conference the week of August 18, 2014 in Rothschild and will miss the August board meeting. She met with new board member Nimmow to discuss the budget process. She is currently working with Phil Scalan to update the website. Staff is getting ready for the upcoming Partisan Primary Election on August 12th. She also indicated that Paul Mike Spahn from 5966 County Highway C has been having stormwater runoff issues on his property from all of the development in and around Highway C. Spahn indicated to Ayers that a study was done by Mead & Hunt. He has gone to the City of Sun Prairie, however they don't seem to have any answers for him. He was inquiring if the Town would be able to possibly write a letter expressing cooperation. Ayers told Mr. Spahn that it would be a civil matter and was unsure if the Town Board would want involvement, and wasn't sure how much help a letter would be. No direction was given to staff by board.
- g) Finance Report was included in the board packet.
- h) Approval of Bills. Board Members reviewed and signed the Town Board approval sheet for check numbers 26809-26849 and payroll related disbursements numbered 3096-3127.
- i) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. Viney addressed members of the board that a Personnel Committee Meeting was held prior to the Board Meeting. Viney stated that Clerk Ayers would be receiving a \$2,000.00 bonus for her hard work and cost savings work related to the Town's truck traffic issues. He also announced that because of the hard work and hours put in by Public Works staff during the June storms that Ron Kurt would be awarded \$1,500.00 and David

Schleicher be awarded \$500.00. Viney also noted that the two additional people that were called in to help with tree damage clean up should also be compensated monetarily for the hours agreed on of eight by one individual and five for the other individual.

2) NEW BUSINESS

- a) Open and possibly award bids on the 2014 Chip Seal Project. Ayers advised the board that one bid packet was received. The bid packet was opened from Scott Construction totaling \$71,611.63 including striping. Motion: Hess/Berg to award Scott Construction the 2014 Chip Seal project in the amount of \$71,611.63. Motion carried.
- b) Request from Lydia Reynolds of the Keg for a fenced in deck for the purpose of consuming intoxicating beverages outdoors and an amendment to the Liquor License to include the deck. Owner Reynolds indicated that she would like to add a free standing deck to the building instead of the current patio. She said it will be in the fenced area away from the building for consumption of alcohol Lydia. The current patio has a 2 foot elevation. She wanted the new alcohol license to reflect the change if approved. Hess wanted to know how high the fence was. She advised it was 6 feet and would be a half foot away from the fence. She also added they are already allowed to consume alcohol in the back. Motion: Hess/Nimmow to approve construction with appropriate permits and amend liquor license to include deck. Motion carried.
- c) Hearing regarding Town Board reconsideration of denial of the application of Charles T. Graham for an Operator's License. Ayers spoke entering in documents from the denial of renewal resolution from June 18, 2014 Town Board meeting. In addition a copy of the letter of denial to Mr. Graham on 19, 2014 was entered. Mr. Graham called and spoke with Ayers wanting to appeal the June 18, 2014 decision. Town Attorney Bryan Kleinmaier wanted the record to reflect his association with Graham and that they played basketball together. Mr. Graham was given opportunity to speak to the board. He indicated that the charge against him currently was not a job related incident and that it was irresponsible. He added that he has never sold to a minor. He believes his livelihood will be jeopardized if he is unable to retain his operator license. He will be punished if found guilty by the court system. Hess was concerned that all offenses he has had in the past come back to alcohol and that he should look into different vocation. Graham indicated that he does not drink on the job and this a non-work related incident. Viney told Mr. Graham that he has shown poor judgment and feels the Town needs to look out for Lydia, the bar owner as well. Mr. Graham added that he knows how to handle people at the workplace. Berg asked how long he has been employed at the Keg. Mr. Graham indicated 1 year.
- d) **CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. SEC. 19.85 (1)(a)**
Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body to deliberate the reconsideration the denial of an operator's license for Charles T. Graham. Motion: Hess/Nimmow to go into closed session pursuant to Wisconsin statute section 19.85(1)(a) to deliberate the Town Board decision of denial of Mr. Graham's operator license. Roll call: Berg aye; Nimmow aye; Hess aye and Viney aye.
- e) **OPEN SESSION. THE TOWN BOARD WILL RECONVENE INTO OPEN SESSION PURSUANT TO WIS. STATUTES 19.85(2) FOR DISCUSSION AND POSSIBLE ACTION REGARDING MATTERS DISCUSSED IN CLOSED SESSION.** Board reconvened to open session.

- f) Action regarding reconsideration of the Town Board's denial of the application of Charles T. Graham for an Operator's License. Motion: Hess/Berg to adopt 07162014A resolution upholding the denial of Charles T. Graham for Operator License. Motion carried.
- g) City of Sun Prairie's cost share proposal for the County Highway C project. Ayers reported she received information from Darryl Severson and the proposal at this time was to have the Town pay for the pavement portion in the amount of \$252,090.35 over a two year period. Ayers pointed out that this is not a City of Sun Prairie project and that it is a Dane County project and costs are spread across the City and Town. Viney believes this will not benefit the town of Burke. Berg added that it serves the entire county. Motion: Hess/Berg to authorize Ayers to negotiate reasonable terms for cost sharing in the upcoming County Highway C road project. Motion carried.
- h) Request from residents for storm damage clean up assistance. Doug Zadra spoke on behalf of himself and the neighbors of the Bultman Road area regarding the June 17, 2014 storm damage. He indicated that their area had been hit very hard with a lot of tree damage, home damage and were looking for some assistance to get rid of brush debris from the trees. Mr. Zadra added that there were power lines down, roofs off homes and debris everywhere. Power was not restored until 3 days later. He did call the Town after he and the neighbors had gotten everything cleaned up which was almost two weeks later and was told that the only thing they could do was to burn it. He did not notify the Town of the downed trees in the roadway on that day because he and the neighbors were doing what needed to be done to clear the roads themselves. Kurt indicated that he would have been able to give assistance if he would have known. Kurt also said that due to the back to back storms of June 16th and June 17th he did not go around to re-assess because they were still working on cleanup of downed trees on Felland Road. Mr. Zadra apologized for not notifying the Town of the downed trees immediately. Hess advised that the Town does not have the man power like the City of Madison and that staff is not allowed to go on private property. Viney advised that they should check with their insurance or take it to their cabin and burn it. Kurt added that the Town is not equipped or staffed and that it would not be fair to the other residents who had damage. Berg asked if it could be sorted so that some of it could be chipped. Mr. Zadra replied that there was a lot there and they only piled it not thinking of sorting it. Leigh Zadra spoke saying that she was not aware that staff was not allowed onto private property. She added that in the 35 years she has lived in her home nothing like this has ever happened and had no idea of what or what not to do. Nimmow stated he is trying help find solutions and suggested possibly cut up and burn over time. Viney indicated that the Board has given them some possible ideas however staff would not be able to help.
- i) Resolution 07162014 Revision to Fees for Right-of-Way Privileges. Motion: Hess/Berg to approve Resolution 07162014 Revision of Fees for Right-of-Way Privileges. Motion carried.
- j) Operator's Licenses. Heather Reed appeared before the board. Hess asked why the violations she indicated on her application did not show up in the background check on CCAP. She did not know. Ayers advised that only Circuit Court violations will show on CCAP. Peterson added that it could have a Municipal citation which will not show up. Berg asked how long Learn2Serve certification lasted. Ayers advised that as long as she is still serving it remains valid. Berg also asked if she was currently working. She indicated that she is currently employed during the day and this would be part-time. Viney advised that the Town takes the operator privilege very seriously and that her honesty was appreciated. Hess also

noted that the Board has a history of giving people a second chance. Motion: Hess/Berg to approve operator licenses for Heather Reed, Larry M. McConnell, Heidi Olsen, Kerrrie Paetzke and Steven J. VanDyke. Motion carried.

- k) Introduction to new Dane County Supervisor Andrew Schauer. Ayers indicated that meeting would be rescheduled.
- 3) OLD/UNFINISHED BUSINESS
- a) Update on 2014 Road projects. Ayers reported the notice has been sent to the newspaper as required. All bids must be submitted by August 26, 2014 prior to the bid opening. Kurt reported the culvert at 3193 Breeze Drive is in poor shape and needs to be replaced and was asking if the board would be in favor of offering for the homeowner to replace the culvert at their own expense.
 - b) Update on options for regulating heavy truck traffic. Kurt reported at the last meeting with the City of Sun Prairie the Town expressed concerns with the heavy traffic and asked if he could be informed on upcoming projects. It was agreed by both the Town and the City to get together on a yearly basis and do a better job at communicating with the Town on upcoming projects for heavy traffic that may be entering and leaving on Town roads.
 - c) Update on Land Division/Sub Division code revision. Ayers reported that it is still being worked on.
 - d) Update on Town the UWHC at The American Center Project. Ayers reported that received a call from Jim Yehle of Findorff told her that the City of Madison already had the plans completed for the road. Ayers, however, has not seen any finalized plans and has not heard anything. The last she knew the City still had not acquired the property from the Living Stones of Jesus. She told Yehle that they will not meet until the final plans are reviewed by the Town and there is a Developer agreement in place.
 - e) Update on the US 51 (Stoughton Road) Corridor Study. No update.
 - f) Update on Charlotte's Walk Pond 2 un-named tributary (BB1) study. No update.
- 4) COMMITTEE REPORTS (AS APPLICABLE)
- a) Plan Commission. Hess reported they will be meeting on July 23, 2014 regarding conceptual plan for a Liquor Store on the Burke Station property.
 - b) ETZ Committee. Berg reported they met on July 8, 2014 and discussed the sidewalk issues for the new Kwik Trip CNG. They will be going with the original plans.
 - c) Events Committee. Upcoming picnic on August 23, 2014.
 - d) Parks Commission. Berg reported they put new woodchips in the Foxmoor Park. He also reported at last month's meeting a draft of a 5 year park plan was presented and each member will review and make revisions for the next meeting.
 - e) NECC. Ayers reported since Searls has moved out of the town a representative will need to be appointed. Supervisor Nimmow indicated he would do it. Ayers advised the Nimmow of the upcoming August 4, 2014 meeting date. Viney also added the appointment of Berg to the Personnel Committee due to the departure of Searls.
 - f) DATC. No update.
- 5) NEXT MEETING DATE. Next meeting date August 6, 2014 at 5:45 p.m. to award Road Project Bids, Board of Review to follow at 6:00p.m.

6) ADJOURNMENT Motion: Hess/Nimmow to adjourn. Motion carried. Meeting adjournment at 8:06p.m.

By: Kim Peterson Deputy/Clerk Treasurer
Town of Burke
8/14/2014