

Town of Burke Board Meeting Minutes
Wednesday, May 17, 2017
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, Supervisor Stieren and Supervisor Truitt. Also in attendance Brenda Ayers, Administrator/Clerk/Treasurer, Teri Saxon, Deputy Clerk/Treasurer, Ron Kurt, Public Works and Chris Hughes, Town Attorney. 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 PM by Chairman Viney.
- c) The Pledge of Allegiance was recited.
- d) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. No comments.

2) Consent agenda (*all items listed under the consent agenda will be approved in one motion without discussion unless any Board member requests that the item be removed for individual discussion and possible action. Any item so removed shall be considered after the approval of the remainder of the consent agenda*)

- a) Approval of minutes from the April 18, 2017 Board meeting
- b) Approval of bills (payroll related disbursements #4134-4162 and bills #28813-#28864) and March Cash on Hand report
- c) Operator's License applications – Rita Hall

Motion: Nimmow/Truitt to approve consent agenda. Motion carried.

3) NEW BUSINESS

- a) Award bids for the Haase Road and Anderson Road project. A copy of the bid tabulation from the May 2nd bid opening was included in the Board packet. Ayers indicated that Tri-County submitted the lowest bid and is a responsible bidder so there is no reason not to award the contract to them.

Motion: Berg/Nimmow to accept Tri-County Paving bid at \$386,183.40. Motion carried.

- b) Resolution 05172017 revising the conditions previously approved in November 2016 for a petition submitted by JSD Professional Services on behalf of Vetesnik Enterprises for lot 1 of CSM 12830 to rezone from A-2 to C-2 for the purpose of storing power sports inventory in addition to the accessory buildings previously approved. Ayers explained that last fall the Town approved the rezone and one of the conditions was that a deed restriction was recorded to limit the use to the storage of accessory building inventory. The intent of the applicant was to also store power sports inventory on the lot so the matter is before the Board again. The City of Madison has also asked that the restriction include the number of items that can be stored on the lot. The proposed Restrictive Covenant provided to the Board limits the number of items for display to 15 on lot 1 and 20 on lot 2.

Motion: Truitt/Stieren to approve Resolution 05172017 revising the conditions previously approved. Motion carried.

- c) Request from Token Creek Lions to close Portage Road from 10:30 a.m. to 3 p.m. on July 4, 2017 for their annual parade, authorization of no parking for parade route, use of road barricades, no parking signs and the gator.

Motion: Stieren/Truitt to approve as presented. Motion carried.

- d) Driveway access for lot 6 Hoffman Acres Plat parcel 0810-034-5056-7 located off Rattman Road. Hughes instructed the Board that the agenda is set-up for discussion during the open session and then will discuss options in closed session. The open session will provide guidance to Board. Hughes presented background to the Board. Lot 6 Hoffman Acres plat restricts access to Rattman Road. The access is off of Bull Run with a dedicated roadway but not approved and with no improvements installed. Another subdivision, Rain Garden Village, may have a similar situation. Very important to understand and consider as this may come up again. Hughes stated options for the Board to consider. One option would be to allow unrestricted driveway to access Bull Run. Hughes does not recommend this option. Second option would be to deny a driveway permit. Driveway permit could be denied pursuant to Section 4-4-1. Determination would be made because unapproved permit would not be suitable and sufficient for access. Third option would be to improve part of Bull Run and pave a portion to allow access onto a public road. Hughes pointed out that lot 33 has a similar situation to lot 6 with no direct access onto Rattman Road. His recommendation would be to consider a special assessment for lots 6 and 33 allowing the property owner to make payments over a period of time. The Town would have the option to choose the number of payments and could accrue interest. Viney asked if only lots 6 and 33 would be assessed. Hughes indicated lots 6 and 33 would be the only lots assessed because they are at the beginning of the road. Hughes further indicated the Town could install all of the road and assess each lot. Hughes noted that he and Ayers met with Norm Danielson. Danielson indicated that he had no intent to develop any of the remaining lots. Touchett expressed that she is not the developer of the subdivision and added that a special assessment will serve many more lots than 6 and 33. She feels this assessment should go on the developer. Hughes stated the town engineer estimate for Bull Run road construction for a 150 foot road to be a total cost of \$64,000 assessing \$32,000 each to lots 6 and 33. Viney suggested that the Board go into closed session and discuss.

- e) **THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. SEC. 19.85(1)(g)** Conferring with legal counsel for the governmental body who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation in which it is likely to become involved related to driveway access for lot 6 Hoffman Acres Plat.

Motion: Viney/Berg to convene in closed session. Roll call: Stieren – aye, Truitt – aye, Viney – aye, Nimmow – aye and Berg – aye. Motion carried.

- f) **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 and to proceed with other items on the agenda. Motion: Truitt/Stieren to reconvene into open session. Motion carried.

Motion: Nimmow/Stieren to authorize town staff to issue a temporary driveway permit to lot 6 Hoffman Acres with terms and conditions acceptable to the town clerk, town attorney and town chair to authorize staff to start the process to construct 150 feet of Bull

Run Road and to assess the costs to lot 6 and lot 33. Motion carried. Viney – nay. Truitt started to explain the special assessment process but was interrupted by Ms. Touchett (owner of lot 6) who indicated that she does not want the Town to proceed with the access due to the costs. Attorney Hughes said the driveway permit will not be approved since the access will not be constructed. . Kurt Mara asked why the access would be 150 feet not 125 feet. Truitt explained that the 150 feet and the costs associated with it a preliminary estimate and if the Town were to proceed the costs and design could change upon formal review of the Town Engineer. Touchett asked for time to consider the Town’s proposal.

- g) Ordinance 05172017 repealing and recreating Town of Burke Ordinance 7-2-7 (l) pertaining to fencing of outdoor consumption areas for Class “B” licensed premises.

Motion: Truitt/Nimmow to approve ordinance 05172017 as presented. Motion carried.

- h) Request from the Park Commission to purchase park signs and picnic tables. Stieren presented the recommendation from the Parks Commission to purchase two green eight foot picnic tables for Burke Conservancy Park at an estimated cost of \$800 each including shipping and to purchase signs for Burke Conservancy, Gehrkes Knoll and Town Hall park. Ayers questioned the need for a sign at Town Hall park because there is already a municipal center sign on the property.

Motion: Stieren/Berg to approve the purchase of the picnic tables and signs. Motion carried.

- i) Discussion regarding renewal of the contract for fire services. Ayers noted that the current contract ends at the end of 2018 and that it automatically renews for one year if notice is not given by March 2018. Ayers also reported that the current contract needs revisions to clean up some loose ends. The Board authorized Ayers to take the lead on the future fire service contract.

- j) Approval of the 2016 audit.

Motion: Stieren/Truitt to approve the audit as presented. Motion carried.

4) OLD/UNFINISHED BUSINESS
NONE

5) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission- met May 10 regarding two CSMs that will be before Town Board in June.
- b) ETZ Committee. No meeting.
- c) Parks Commission. Meeting June 7, 2017.
- d) NECC. No meeting.

6) NEXT MEETING DATE. Wednesday, June 21, 2017.

7) ADJOURNMENT. Motion: Nimmow to adjourn. Meeting adjourned at 7:46 p.m.

Teri Saxon
Deputy Clerk/Treasurer