

Town of Burke Meeting Minutes
Wednesday, September 20, 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 and Ron Kurt, Public Works Lead Patrolman. See attached list for other interested parties in attendance.

1) ADMINISTRATIVE

- a) It was determined that a quorum was present and 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 proposed Conditional Use Permit (CUP) # 02385 for mineral extraction (clean fill site only- no extraction) submitted by Belken Engineering on behalf of Sun Prairie Concrete. Property located at 5067 Reiner Rd (parcel number 0810-264-8001-8). Paul Johnson introduced himself as attorney representing applicant Sun Prairie Concrete in favor of the CUP. This is a 29.5 acre parcel and zoned A-1 that previously was a mineral quarry that has been inactive since last year. Sun Prairie Concrete as part of the reclamation process is seeking a permit to accept clean fill from contractors in the area. This will reduce the slopes and bring the land back to natural space. Sun Prairie Concrete is requesting a 10 year CUP.

Todd Wozniak with Veridian Homes introduced himself and stated he was here in support of Sun Prairie Concrete's CUP application and feels this is a great use for the property. Veridian Homes is currently developing Autumn Lakes near the quarry.

- e) Public Hearing regarding proposed Conditional Use Permit (CUP) #02388 for dumping of clean fill submitted by Bill Ziegler on behalf of Madison Crushing. Property located at 5185 Reiner Rd (parcel number 0810-261-8041-0). Paul Johnson stated he is representing applicant Madison Crushing in support of the CUP. Madison Crushing formally operated the 43 acre quarry. This 43 acre parcel has been inactive and is seeking a permit to accept clean fill to reclaim the parcel. Madison Crushing is requesting a 10 year period as well.

Todd Wozniak with Veridian Homes stated he is here in support of Madison Crushing.

- f) 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 August 16 and August 29, 2017 Board meetings

- b) Approval of bills (payroll related disbursements #4255-4288 and bills #28991-29030) and August Cash on Hand report
- c) Operator's Licenses – Rita Knudtson.

Motion: Truitt/Nimmow to approve the consent agenda as presented. Motion carried.

3) NEW BUSINESS

- a) Resolution 09202017A Conditionally Approving a Conditional Use Permit requested by Sun Prairie Concrete for the purpose of a clean fill site. Nimmow noted that the application submitted in July requests five years and now are requesting 10 years. Paul Johnson, attorney representing Sun Prairie Concrete, responded that the original permit was requesting five years and was revised and resubmitted for the purpose of accepting clean fill for 10 years. Based on construction in the area a 10 year permit will allow them to take care of the construction in the area and reclaim the parcel. He further stated that both Sun Prairie Concrete and Madison Crushing will accept as long a time as the Board will allow. Berg inquired that the requested CUP is the north and south area and does not affect the non-conforming area. Johnson stated the requested CUP's are only for the north and south area and will not affect the non-conforming area.

- b) Resolution 09202017B Conditionally Approving a Conditional Use Permit requested by Madison Crushing for the purpose of a clean fill site.

Motion: Truitt/Nimmow to adopt Resolutions 09202017A and 09202017B Conditionally Approving both Conditional Use Permits. Motion carried.

- c) Request for a variance to the driveway width submitted by Michelle Hamburg, 3180 Forest Oaks Dr. Hamburg stated she is requesting the variance for the driveway width to allow easier delivery of hay and vehicles with a trailer or during inclement weather. Viney stated the Board normally does not approve driveway variances unless there is a hardship. He further stated that after the road approach you can make your driveway as wide as you would like. Berg raised concern that the wider the driveway the faster the entrances and exits are. Hamburg inquired if a 24 foot driveway is a normal Ag driveway. Kurt noted that farmer field access permits are not issued for more than 24 feet. Berg inquired if the width of the road is the same as other town roads. Kurt noted this is a standard width road.

Motion: Truitt/Nimmow to deny the variance to the driveway width requested by Michelle Hamburg. Motion carried. Berg – nay.

- d) Request for a second driveway submitted by Leo Salazar, 4939 Felland Rd. Salazar indicated that he is requesting an additional driveway to be used for the storage of recreational vehicles. He added that an additional driveway would be easier and separate their personal living space. Viney inquired if this is for personal recreational vehicles. Salazar indicated that the requested additional driveway would be used for his own use as well as for business purposes. Viney indicated that this request appears to be a convenience rather than a hardship. He further indicated that after the road approach you

can make your driveway as you would like. Salazar stated that without the second driveway he would drive over the septic system and would need to remove trees. He would prefer a second driveway for easier access to store RV's and boats. Viney inquired whether Salazar has spoken with Dane County Zoning to assure the parcel is zoned appropriately for the storage of vehicles. Salazar indicated that he has spoken with Dane County and seasonal storage is allowed based on his current zoning. Berg stated it would appear that the Town is approving a business by allowing a second driveway and as far as we know the business should not be there. Ayers indicated that Dane County Zoning has requested further information from Salazar regarding the use of the property. Viney further indicated that the ordinance for a variance is based on a hardship not a business.

Motion: Truitt/Nimmow to the variance for a second driveway requested by Leo Salazar. Motion carried.

- e) Request for an additional driveway submitted by Steve Olp for Ideal Crane, 4349 Acker Rd. Olp stated that currently Ideal Crane is using the upper part of the property to store cranes by driving across the flat part of the ditch and onto the property. On behalf of Ideal Crane, he is requesting to install a culvert and driveway which would provide access to properly store the cranes and insure proper drainage for the property and neighboring properties. Viney inquired if the other entrances have culverts. Olp indicated that the other driveways have culverts. He further indicated that most of Acker Road is businesses with a few houses mixed in. Nimmow inquired as to the hardship of Ideal Crane. Bob Kalhagen of Ideal Crane indicated that it is difficult to maneuver the cranes and other equipment with only one driveway. Olp stated that the ditch is not cut properly for drainage and with adding the culvert and driveway the ditching would allow the flow of water through the ditch properly. Kalhagen is willing to have this done at his own expense. Olp further stated that with inclement weather it will be safer to come in and out from Acker road rather than trying to get in the Highway CV driveway.

Motion: Nimmow/Berg to accept additional driveway request not wider than 35 feet. Motion carried. Stieren – sustained.

- f) Deed Restriction restricting the property to residential uses submitted by Williamson Surveying on behalf of Eleanor Moran, property located on Portage Rd, parcel #0810-033-9300-3. Ayers indicated the CSM has already been approved. Both the City of Madison and Town have approved the rezone to residential initiating the deed restriction.

Motion: Stieren/Berg to allow Ayers or Viney to execute the deed restriction. Motion carried.

- g) Request to consider revision of the landscape buffer requirement in Exhibit 11 and 12 of the Cooperative Plan. Ayers indicated that considering a revision to the landscape buffer of the Cooperative Plan would open the entire plan for reconsideration and she is hesitant to do so, however a supplemental intergovernmental agreement to the plan may be

something to consider. The Board was in agreement to a supplemental agreement with no opposition to the landscaping buffer.

- h) 6011 US Hwy 51 zoning/nuisance issues and possible tax sale. Ayers stated the property has been vacant for years. The property owner lives in Milwaukee. People have been dumping garbage at the site. A caretaker has cleaned up the site but no longer lives in the area. He rented camping sites with no water and sewer which is against Dane County zoning. Viney inquired who cleans up the trash that was left behind by the campers. Ayers stated that letters have been sent to the property owner. The property owner is delinquent on the property taxes. Dane County has been in contact with him and gave him until the end of August to pay at least one year's taxes. The property owner has not done so. Ayers asked the Board to consider purchasing the property for back taxes. The DNR has acknowledged property spills and said there may be grants for Phase 1 and 2 studies available to municipalities. Ayers requested additional time to gather more information and possibly look into the cost and the possibility of the grants. Nimmow inquired what happens if the Town should decide not to purchase the property. Ayers stated that the property would go to tax sale and if no one purchases the property she believes it would go to the County. Ayers was asked to gather more information.

4) OLD/UNFINISHED BUSINESS

- a) Haase and Anderson Roads project. Nothing new to update.

5) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission. No meeting.
- b) ETZ Committee. No meeting.
- c) Parks Commission. No meeting.
- d) NECC. No meeting.

- 6) NEXT MEETING DATE. Budget meeting: October 4, 2017. Regular meeting: October 18, 2017.

- 7) ADJOURNMENT. Motion: Stieren to adjourn. Meeting adjourned at 7:16 p.m.

Teri Saxon
Deputy Clerk/Treasurer
Town of Burke
October 12, 2017