

Town of Burke Meeting Minutes
Wednesday, August 15, 2018
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, and Supervisor Stieren. Excused: Supervisor Truitt. Also in attendance Brenda Ayers, Administrator/Clerk/Treasurer, Teri Saxon, Deputy Clerk/Treasurer, Ron Kurt, Public Works Lead Patrolman, and Lew Kollmansberger, Town Engineer. 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 p.m. 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 July 18, 2018 Board meeting
- b) Approval of bills (payroll related disbursements #4592-4620 and bills #29541-29580) and July Cash on Hand report
- c) Operator's Licenses – Joseph A. Boston and Michael Schumacher

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

3) NEW BUSINESS

- a) Hearing regarding Town Board reconsideration of denial of the application of T'Keyah Reynolds for an Operator's License. Ayers stated the facts regarding the application and the denial by the Town Board and entered the following documents into record: Exhibit A – resolution granting the operator's license, Exhibit B – resolution upholding denial of operator's license, a copy of the operator's license application submitted to the Town on June 18, 2018 (Attachment A of the resolutions), and a copy of the letter sent to Reynolds by the Town Deputy Clerk/Treasurer on June 25, 2018 (Attachment B of the resolutions). Lydia Reynolds expressed her confusion on the hearing. Ayers explained that this is a reconsideration hearing and is treated somewhat like a quasi judicial board and stating to the Board the documents presented and the basis for the denial of the operator's license. This is your opportunity to explain to the Board why they should grant you an operator's license and the circumstance behind the event you listed on your application for the basis of the denial. T'Keyah Reynolds stated that she listed an OWI on her application and stressed it was just an ordinance violation. She further stated her grandmother has owned the business for over 30 years and she would not do anything to jeopardize her business. She is just trying to work and save money to attend MATC. Viney stated that denial of the operator's license is not preventing anyone from working. They cannot work alone and would need to work under the supervision of a licensed operator. Nimmow inquired

that on the application it was noted an OWI but the letter written to the Board requesting the reconsideration hearing stated OWI with no alcohol. Berg inquired to the answer on the application to the question, “since your 17th birthday have you been convicted of a felony or misdemeanor (including criminal traffic offense)? If yes, list each conviction and specify whether the offense related to the use of intoxicating beverages and/or whether the events giving rise to the conviction occurred at an establishment that sells intoxicating beverages.” You answered yes but you left the rest of the question blank. Could you provide the facts surrounding the pending action. T’Keyah Reynolds stated it was an ordinance violation and she went to court and could not afford to fight it. Nimmow inquired what she went to court for. T’Keyah Reynolds stated she went to court for OWI – operating under the influence but not alcohol. Lydia Reynolds stated the offense was operating her vehicle under the influence of marijuana not alcohol. T’Keyah Reynolds stated she has not received any offenses involving liquor, She would never jeopardize her grandmother’s business. She further stated that she was confused by the paperwork and missed the answer to that question.

- b) **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 of the Town Board’s denial of an operator’s license for T’Keyah Reynolds.

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

- c) **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.**

Motion: Stieren/Nimmow to reconvene in open session. Motion carried.

- d) Action regarding reconsideration of the Town Board’s denial of the application of T’Keyah Reynolds for an Operator’s License.

Motion: Berg/Stieren to adopt Resolution No. 08152018 Exhibit A granting the operator license for T’Keyah Reynolds. Motion carried. Nimmow – nay.

- e) Award bid for Seminary Springs, Gaston and Burke Roads project. Lew Kollmansberger of Mead and Hunt introduced himself and stated that he has been with Mead and Hunt for 27 years and has done a variety of work from municipal to private. He co-works with Anne Anderson. He further stated that R.G. Houston may have bid the job lower than the estimate wanting to get the work. Ayers indicated that without a change order they cannot come back for additional costs. Kollmansberger indicated that the bid is reasonable.

Motion: Stieren/Berg to award bid to R.G. Houston in the amount of \$578,588.50. Motion carried.

- f) Possible assessment for 3191 Seminary Springs Rd and 3157 Gaston Rd related to the roads project. Tim Kluever stated that an \$18,000 assessment is a substantial amount of money to be assessed for work that is of no benefit to them. Todd Kluever inquired as to the possibility of splitting the assessment 50/50 with the Town that has been done in the past with other residents. Ayers indicated that is considered on a case by case basis. Nimmow inquired what is driving the construction. Ayers noted that construction is to replace the bridge with bridge aid that was applied for. Lew Kollmansberger, Town engineer, further noted that replacement of the bridge involves further work to the road to make it a safer condition and to improve drainage. Ayers stated the Kluevers requested removal of 10 feet of paving from the estimate which the Town engineer has removed. Nimmow inquired as to the possibility of gathering more information before making a decision. Kollmansberger noted that taking more time to gather information will not slow down the project.

Motion: Nimmow/Stieren to table for Ayers to gather more information for next Board meeting. Motion carried. Viney instructed members of the Board to provide Ayers with the information they would like her to gather.

- g) Proposed Jannah Village Plat in City of Madison adjacent to Bridle Downs subdivision and Town's position on the use/expansion of Town roads. Ayers indicated that she has been contacted by a developer and the City of Madison regarding looking into redoing Bridle Way to expand the opening to accommodate houses on lots 39-45. She further indicated that a meeting has been scheduled with the City of Madison, Lew Kollmansberger, Town engineer, and herself and is seeking approval to consult with the Town attorney. Viney noted that residents are not in favor of the expansion. He also noted his opposition in making changes to Bridle Way. Berg noted the Town cannot stop the City from their development but the Town has control over Town roads and our resident's use of those roads.

Motion: Nimmow/Berg to have Town Attorney check Boundary Agreement and State Statutes whether we can legally deny the City's expansion of Town roads. Motion carried.

- h) Future development of 4202 Hoepker Rd and possible attachment to the City of Madison. Ayers indicated that she has been contacted by a potential developer who would like to build a large facility type business. The building would require a sprinkler system that cannot be supported by a well. The potential developer inquired if the Town would be open to possible attachment to the City of Madison for municipal water and sewer. Ayers noted that the perspective development could not happen in the Town. The Town would not be losing an opportunity for development. She further noted this property is located in a protected area per the Boundary Agreement and would require an amendment to the Cooperative Plan to remove it from the protected area and allow attachment to the City of Madison. Berg stated that we have a large commercial property that the Town cannot serve without water and sewer. We are not getting anything out of it either way.

Motion: Nimmow/Stieren to not entertain the property attaching to the City of Madison early. Motion carried.

1) OLD/UNFINISHED BUSINESS

- a) NONE

2) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission. Berg stated a joint public hearing is scheduled for September 5 with the Board and Plan Commission implementing the Conditional Use Permit procedures adopted by the Board. Berg further stated that he attended the Dane County Zoning and Land Regulation Board meeting and they approved the Zignego CUP. He felt it was time well spent to participate in the process representing the Town.
- b) ETZ Committee. Met on August 13 and discussed rewriting some sections of ordinances for the Village of DeForest that will concern the Town making the ordinances more understandable.
- c) Parks Commission. No meeting.
- d) NECC. No report.

3) NEXT MEETING DATE. Board of Review: Thursday, August 30, 6-8 p.m.; Joint Plan Commission/Town Board Public Hearing: Wednesday, September 5, 5:30 p.m.; Regular meeting Wednesday, September 19, 6 p.m.

4) ADJOURNMENT. Motion: Nimmow to adjourn. Meeting adjourned at 7:22 p.m.

Teri Saxon
Deputy Clerk/Treasurer
Town of Burke
September 13, 2018