

Town of Burke Meeting Minutes
Wednesday, October 17, 2018
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, Supervisor Truitt, and Supervisor Stieren. Also in attendance Brenda Ayers, Administrator/Clerk/Treasurer; Teri Saxon, Deputy Clerk/Treasurer; Ron Kurt, Public Works Lead Patrolman; and Chris Hughes, Town attorney. See attached list for other interested parties in attendance.

ALL AGENDA ITEMS ARE SUBJECT TO POSSIBLE ACTION

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 6:00 p.m. by Chairman Viney.
- c) The Pledge of Allegiance was recited.
- d) Public Hearing regarding a two lot Certified Survey Map (CSM) submitted by Thomas and Diana Nelson to divide Lot 2 of CSM 13825, property located off Felland Rd (parcel 0810-352-9690-0). Ayers noted a couple people stopped by the office to review the application but no one submitted anything to the Town. No comments.
- e) 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 September 19 Board meeting.
- b) Approval of bills (payroll related disbursements #4655-4683 and bills #29649-29699) and September Cash on Hand report.
- c) Operator's Licenses – Ann Townsend and Penelope Johnson.

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

3) NEW BUSINESS

- a) Resolution 10172018A Conditionally approving the CSM submitted by Thomas and Diane Nelson.

Motion: Berg/Nimmow to adopt Resolution 10172018A conditionally approving the CSM submitted by Thomas and Diane Nelson. Motion carried.

- b) Consideration of a Conditional Use Permit submitted by PetSuites of America, LLC to renew CUP 2075 allowing a pet boarding, grooming and day camp facility on the property located at 4934 Felland Rd, Madison and Resolution 10172018A. Berg noted the resolution number should be Resolution 10172018B. Viney instructed the members of the Six Standards of a Conditional Use Permit (Section 10.255(2)(h) of Dane County

Zoning Ordinance). Viney further instructed that all conditions must be met to grant the CUP.

“Standard 1: That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or welfare.” IS MET. Motion carried.

“Standard 2: That the uses, values and enjoyment of other property in the neighborhood for purposes already permitted shall be in no foreseeable manner substantially impaired or diminished by establishment, maintenance or operation of the conditional use.” IS MET. Motion carried.

“Standard 3: That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.” IS MET. Motion carried.

“Standard 4: That adequate utilities, access roads, drainage and other necessary site improvements have been or are being made.” IS MET. Motion carried.

“Standard 5: That adequate measures have been or will be being taken to provide ingress and egress so designed to minimize traffic congestion in the public streets.” IS MET. Motion carried.

“Standard 6: That the conditional use shall conform to all applicable regulations of the district in which it is located.” IS MET. Motion carried.

The applicant, Kristyn Goodsell, indicated she would like to discuss changing the business hours with extended hours on Saturdays. Currently, the Saturday hours are 7:30 a.m. – 11:30 a.m. She further indicated she would like to eventually provide Saturday day camp which would require extended Saturday hours. She is requesting the Saturday hours be the same as the weekday hours. Ayers noted the current CUP does not note business hours and Dane County recommended adding hours to the CUP. Viney inquired if the neighbors would oppose added hours. Goodsell stated the neighbors would not be opposed. Ayers stated public hearing notices were sent and no one appeared at the public hearing noting the notices did not state business hours. Goodsell indicated there is staff there on Saturdays letting dogs out and further indicated that boarding starts earlier than day camp. She noted that barking and noise would be the same. Goodsell noted she currently does not provide day camp on Saturdays but would like the ability to add it in the future. Berg inquired if there have been any complaints to the Town about noise. Ayers stated in the 10 years she has worked for the Town there have been no complaints. She further stated people were not originally in favor of the CUP but have heard nothing since the CUP was granted. The applicant noted that a neighbor indicated they would write a letter of recommendation if needed.

Motion: Nimmow/Stieren to amend Resolution 10172018B, Item 3, to extend Saturday business hours to be 6:30 a.m. to 6:00 p.m. Motion carried.

Goodsell indicated she would like to request an increase of domestic pets allowed. She further indicated she is currently limited to board 130 domestic pets but has potential for 30 more. She stated the demand for boarding is incredibly high and would like to accommodate her customers.

Motion: Truitt/Nimmow to amend Resolution 10172018B, Item 4 to allow 160 domestic pets. Motion carried.

Motion: Truitt/Nimmow to approve Resolution 10172018B with amendments. Motion carried.

- c) Revisions to the ETZ Conditional Use Permit procedures eliminating the Plan Commission recommendation at the Town level. Ayers indicated that the Village of Deforest would like to amend the ETZ CUP procedures eliminating the process step of the Plan Commission's recommendation. The Village of Deforest has different standards than Dane County. Ayers further indicated that both Nimmow and Berg are on the ETZ so the Town has good representation and meetings are held at the Town Hall allowing residents to attend. Ayers noted the Board would still take action but would eliminate the step of the Plan Commission. Berg indicated the ETZ is under Deforest zoning and then it comes before the Plan Commission under Dane County zoning. Viney raised concern that currently there are competent people on the committee and Board but in the future there may be different representation. Ayers indicated that currently the Plan Commission does not have anything to do with the process and there will always be someone from the Board on the ETZ. She further indicated that the current process adds an extra step with the Plan Commission. Berg noted the step with the Plan Commission does not add to the process but seems to be redundant. Nimmow indicated it will still come before the Board for action. Truitt noted he has no issue with reducing the process step of the Plan Commission. Nimmow added persons going through the process pay to appear before the committees and eliminating a step would save them money.

Motion: Nimmow/Berg to accept the revisions to the ETZ Conditional Use Permit procedures eliminating the Plan Commission recommendation at the Town level. Motion carried. Viney – nay.

- d) Addendum to the agreement to fund a position for stormwater education and outreach coordination for the Madison Area Stormwater Partnership. Ayers noted that Madison Area Stormwater Partnership has funded a position for education and outreach and is asking each member to adopt an addendum to the agreement.

Motion: Berg/Stieren to approve the addendum to the agreement to fund a position for storm water education and outreach coordination for the Madison Area Stormwater Partnership. Motion carried.

- e) Consulting Services Agreement with AECOM Technical Service for 2019 Stormwater Services related to the MS4 permit. Ayers noted that AECOM provides stormwater modeling and prepares DNR reports for the Madison Area Stormwater Permit. Every

year AECOM provides the Town with their costs and service agreement to review instead of a long standing agreement.

Motion: Berg/Truitt to approve the Consulting Services Agreement with AECOM Technical Service for the 2019 Stormwater Services. Motion carried.

4) OLD/UNFINISHED BUSINESS

- a) Consideration of transferring of rights-of-way from the Town to the City adjacent to the City of Madison Jannah Village Plat. Ayers noted after last month's meeting there were discussions with the Town attorney discussing the ability to prohibit access to the Town's right of way and for the Town to alleviate the concern regarding driveways. Ayers further noted that turning over the rights of way to the City would enable the City to issue the driveway permits for driveways located in the City. Ayers stated this will not change anything in regard to the plowing of roads and noted the Town has joint agreements for plowing with both the City of Sun Prairie and City of Madison. Ayers further stated we are issuing driveway permits to City residents with driveways located in the City with City regulations. Berg inquired by transferring the rights of way to the City, the Town would not provide any services. Ayers noted no real gain but to people upset driving on Town's road. The Town is not using resources to City resident driveways. Truitt indicated his hesitation to turn down any revenue to the Town. Ayers stated the cost for a driveway permit is \$100. Berg noted there are seven driveways.

Motion: Nimmow/Berg to approve transfer of rights-of-way from the Town to City of Madison adjacent to Jannah Village Plat. Motion carried. Truitt – nay.

- b) 2019 Budget. Viney inquired if the final fire numbers have been received. Ayers noted the numbers before the Board are not final but are based on the numbers she has been provided. Ayers further noted if it is lower next year we will adjust. Ayers stated that the Town has money set aside and also has \$90,000 that was left over from capital outlay fire equipment that could be applied. The Town also has \$285,000 we could use from road capital outlay. Ayers further stated the Town is not poor by any means and while the rates are absurd, the Town needs fire protection and we have no other options. Ayers added this fire contract is for one year. Truitt inquired as to a tax increase. Ayers indicated a .67 percent increase less the personal property aid. Nimmow inquired as to garbage collection. Ayers noted the garbage collection is based on an estimate and reduced for 2019 and 2020 due to an over assessment in 2018. Ayers further noted she will put the budget in final form for the meeting in November.

5) CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WI STATUTE 19.85 (1) (e) In order to deliberate and discuss an early attachment and revenue sharing agreement with the City of Madison regarding 4202 and 4210 Hoepker Rd. because competitive or bargaining reasons require a closed session.

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

- 6) OPEN SESSION. The Town Board will reconvene into open session pursuant to WI Statutes 19.85 (2) for discussion and possible action regarding matters discussed in Closed Session.

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

- 7) POSSIBLE ACTION ON MATTERS DISCUSSED IN CLOSED SESSION. None.
- 8) COMMITTEE REPORTS (AS APPLICABLE)
 - a) Plan Commission. Berg noted that the Plan Commission met and discussed the Camp K9 CUP.
 - b) ETZ Committee. No meeting.
 - c) Parks Commission. No meeting.
 - d) NECC. No meeting.

- 9) NEXT MEETING DATE. Public Hearing regarding the budget, Special Meeting of the Electors and Regular meeting Wednesday, November 21, 6 p.m.

- 10) ADJOURNMENT. Motion: Nimmow/Stieren to adjourn. Meeting adjourned at 7:11 p.m.

Teri Saxon
Deputy Clerk/Treasurer
Town of Burke
November 16, 2018