

**Town of Burke Meeting Minutes**  
**Wednesday, March 20, 2019**  
**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. 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 CSM submitted by Curt Jensen for the purpose of creating an additional lot for a single family residence, property located at 3214 Burke Rd, Sun Prairie (Parcel number 0810-244-9580-0). No comments.
- e) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. None.

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 February 20, 2019 Board meeting.
- b) Approval of bills (payroll related disbursements #4809-4837 and bills #29906-29947) and January and February Cash on Hand report.
- c) Operator's Licenses – Corey Boyd and Morgan Schramm.

Motion: Berg/Viney to remove the operator license application for Corey Boyd from the consent agenda. Motion carried.

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

Motion: Berg/Stieren to deny the operator license for Corey Boyd on the basis of three DUI's five or six years apart over the last 16 years. Motion carried.

3) NEW BUSINESS

- a) Resolution 03202019A regarding a two-lot CSM submitted by Curt Jensen, property located at 3214 Burke Rd.

Motion: Berg/Stieren to approve Resolution 03202019A as submitted by Curt Jensen. Motion carried.

- b) Resolution 03202019B Conditionally approving CUP 2450 submitted by the Village of DeForest to amend the height limit restriction on existing CUP 2032 for the water tower property located at 4209 Anderson Rd. Ayers noted the Town has not received any public input since the public hearing. 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.

Motion: Viney/Berg to approve Resolution 03202019B conditionally approving CUP 2450 submitted by the Village of DeForest to amend the height limit restriction on existing CUP 2032 for the water tower property located at 4209 Anderson Road. Motion carried.

- c) Recommendation to the Burke-DeForest ETZ regarding a CUP application submitted by Gander Mountain to amend the existing CUP to allow for display of recreational vehicles on 50% of the indoor space and a portion of the parking lot. Berg stated he is on the ETZ and recalls when Gander Mountain received the current CUP they gave assurances they were going to keep it small and would not expand for more than they requested. Berg expressed his dissatisfaction with Gander Mountain in asking for more than the original CUP. He stated he would be in favor of revoking the CUP for violating the current CUP. Ayers indicated the current CUP does not allow for campers to be parked outside and the zoning administrator was made aware that there were many being parked outside. Ayers further indicated that if you are going to deny the CUP you must apply your case within one of the standards. Viney inquired if they are moving campers

between the two buildings. Ayers stated there are two different properties with two different CUPs and instead of asking for an additional CUP they just did it. Ayers further stated one needs to look at the conditions of the CUP and find which standard your concern fits to be able to deny the CUP under the DeForest's standard of conditions. One thing to consider is whether they will meet the parking requirements. Viney expressed how happy he was they were selling campers but not happy how they had gone about it. Ayers again stressed that if you are recommending denial of the CUP you need to fit a concern within one of the standards. Stieren inquired if there is a fine structure in place and if they were asked to remove campers. Ayers indicated this started in October through March and the Town is not responsible for fining. Ayers noted the person that handled the original CUP is no longer with the company and this is not an excuse for a large corporation to know what to do and what not to do.

Motion: Berg/Nimmow to recommend denial of the CUP application based on having a CUP for a use that is not permitted or conditional use in the business district that the Village of DeForest has in that area. Motion carried.

- d) Resolution 03202019C adopting the comprehensive revision to Dane Zoning County Ordinance, Chapter 10, Dane County Code of Ordinances. Ayers noted Dane County Zoning has made a comprehensive revision to their zoning classifications. She added that a public hearing was held at the Town and a large number attended and many felt the classification changes would not affect them. Ayers stated if the Town does not adopt the ordinance by 2020 the alternative would be to either adopt/enforce our own zoning or to not have zoning in the Town. She further noted that our partners in the cooperative plan would not approve if the Town was not under Dane County Zoning. She stated when the ordinance is adopted and a classification is incorrect, one will need to go through the zoning process with no fees to the applicant but will need to follow the rules to change it. Ayers recommends the Town adopt the comprehensive revision.

Motion: Berg/Nimmow to approve Resolution 03202019C adopting the comprehensive revision to Dane County Zoning Ordinance, Chapter 10, Dane County Code of Ordinances. Motion carried.

- e) Consideration of an attachment petition to be submitted to the City of Madison by the Town of Burke for town rights-of-way in the Bridle Downs Subdivision to be attached to the Jannah Village plat in the City of Madison. Ayers reminded the Board that the residents in Bridle Downs Subdivision were upset about the Jannah Village development. The Board discussed ways to minimize the impact upon the residents and discovered there is nothing statutorily the Town can do about this. Ayers noted there are lots on the plat that would have driveway access off Town roads and by turning the rights to the City they would issue the driveway permits. This would prevent Town staff from issuing driveway permits for City driveways. Viney inquired if there would be curb and gutter on the roads. Ayers indicated that there would be curb and gutter on the City portion of

the road but no improvements to the Town's roads. Ayers stated discussions are continuing with the County in an attempt to change the name of Walking Way to Canter Drive.

Motion: Berg/Stieren to authorize Chairman Viney to sign the attachment petition after the width has been verified and the Walking Way/Canter Drive issue is resolved. Motion carried.

f) A petition for intermediate attachment to the City of Sun Prairie submitted by the McCoy Trust properties located off McCoy Rd, parcel numbers 0810-123-8320-2; 0810-124-8500-3 and 0810-131-8210-5. Ayers indicated that this is on the agenda for information only as per the Cooperative Plan.

g) Approval of employee paid time off (PTO) carryover from 2018.

Motion: Stieren/Berg to approve PTO carryover from 2018. Motion carried.

h) Biennial Group Stormwater Discharge Report.

Motion: Stieren/Berg to approve AECOM report on behalf of the Town by March 31. Motion carried.

4) OLD/UNFINISHED BUSINESS

None

5) COMMITTEE REPORTS (AS APPLICABLE)

a) Plan Commission – Berg reported they met and discussed the Village of DeForest CUP. A joint public hearing is scheduled for April 3 with the Board and Plan Commission.

b) ETZ Committee – meeting is scheduled for April 9.

c) Parks Commission – no meeting.

d) NECC – no report.

6) ADJOURNMENT. Motion: Nimmow/Stieren to adjourn. Meeting adjourned at 6:46 p.m.

Teri Saxon  
Deputy Clerk/Treasurer  
Town of Burke  
April 11, 2019