

Town of Burke Board Meeting Minutes – June 2, 2010
6:00 p.m.

Board members in attendance: Supervisor Berg, Supervisor Hess, Supervisor Munson and Supervisor Searls. Excused: Chairman Viney. Also in attendance: Chris Hughes, Town Attorney; Brenda Ayers, Clerk/Treasurer and Ron Kurt, Public Works. 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 Hess.
- c. The Pledge of Allegiance was recited.
- d. Presentations by Engineering Firms. MSA- Tom Pinion explained that MSA has worked with the Town since the early 90's. He also explained that there was a brief separation between MSA and Burke due to a conflict of interest with Sun Prairie. Pinion has worked with the Town since 2001 when MSA once again became the Town's engineer of record. Prior to joining MSA in 2001, Pinion served as Public Works Director and City Engineer in Portage. MSA is a full service consultant including environmental, transportation and development services with 280 professionals. MSA provides a single point of contact client liaison service and has procured more than a quarter of billion dollars in grants for its clients. Since the mid 1990's MSA has provided landfill-monitoring services to Burke. MSA has also assisted Burke with its park plan, road reconstruction, parcel mapping for utility districts, Gander Mountain development and represented the Town in the highway 51 and 19 corridor study meetings. Pinion said he is very familiar with the Town infrastructure, residents, businesses, staff and Boundary Agreement. Pinion indicated that he could provide continuity during the staff transition.

Mike Payant of Crispell-Snyder explained that he has 25 years experience. His prior work experience includes Public Works and City Engineer. Payant works in the Madison office one-third of the time. Jeffrey Knudson, whose specialty is transportation, works full time in the Madison office located near American TV. Crispell-Snyder has been in southeast Wisconsin for thirty years and entered the Madison market three years ago. Crispell-Snyder is a full service engineering firm whose services include wastewater, water towers, storm water, transportation, GIS, land use planning and municipal planning. Knudson would be the main client contact with Payant as the back up. Communication tools used by Crispell-Snyder include checklists for plan evaluations and monthly written progress reports. Past road projects that Crispell-Snyder assisted with in Hales Corners and the Village of Richfield were completed under budget. Crispell Snyder does not represent any of Burke's partners in the Boundary Agreement. Their firm currently provides services to the Towns of Belgium and Sommers. Their clients are primarily in Racine, Kenosha and Waukesha counties. Crispell-Snyder has a total staff of eighty with the majority in the Lake Geneva office. There are five people in the Madison office. All offices are connected electronically. Payant said large part of what they do as a firm is review the plans of other engineers and they would not object reviewing plans from other municipalities.

- e. Approval of May 19, 2010 Board meeting minutes. Motion: Searls/Munson to approve the minutes as presented. Motion carried.
- f. Public Works report. Kurt reported that staff is in the process of ditch mowing. The tractor is experiencing some pressure problems that may require a service call. The second round of chipping for the season starts June 7th. Hess asked Kurt to put red flags on the 25 mph speed limit signs on Felland Road between Burke and Nelson due to complaints of speeding in that area.

- g. Clerk/Treasurer report. Ayers reported that Premier Lawn services will service the additional portion of Gehrke's park at a cost of \$50 per mowing.
- h. Finance Report. Ford will provide a report at the June 16th meeting.
- i. Approval of Bills. Board members reviewed the bills and signed the Town Board Approval cover sheet for check number 23779-23810 and payroll related disbursements number 1237-1257.
- j. Public Concerns: Tim Schlobohm of 6054 Hagen Hill Circle asked why the Town went 31 % over budget on the 2009 road projects. Hess reported that it was because the conditions in the field were not known until the project was started. Schlobohm asked if all of the overage was due to undercuts. Hess responded that 95% of the overrun was due to undercuts.

Deputy Blake was unable to attend the meeting but had reported to Ayers that 75 tickets were issued in May and Deputy Veto could possibly return to Burke by the end of June.

2. NEW BUSINESS

- a. Operator's licenses. Motion: Searls/Berg to approve an Operator's License for Dan Anderson. Motion carried.
Motion: Berg/Hess to take the agenda out of order and proceed to item 2d. Motion carried. (Note: the minutes are in agenda order, not meeting order)
- b. Driveway permit for Andrew Noack, 3799 Robinhood Way. Noack expressed his concern that Town staff required him to pay the \$2,000 deposit in addition to the permit fee. He indicated that his interpretation of the Town's driveway ordinance applies to new construction not driveway replacement. Noack signed the appropriate forms and paid the fees including the deposit under protest. Hughes indicated that when Noack completed the application he agreed to follow the terms of the Ordinance. Hughes also explained that the deposit is to hold the owner responsible for any damage to Town roads caused by the construction equipment. Hughes said once the job is complete, assuming no damage is done; Noack will get his entire deposit back. Noack also expressed his concern that Town staff suggested that replacement of the existing culvert might be required as part of the project. Kurt explained that culvert has been there for 30 years and it needs to be inspected to make sure it is not rotted. Kurt also explained that it makes sense to do it now rather than having to dig out the new driveway in the future when the culvert fails. Noack stated that he is willing to take that chance and will take responsibility if the culvert fails in the future.
- c. Cooper land rental agreement- Morris Cooper, power of attorney for his son William Cooper, explained that no one else he rents land from requires liability insurance. Hughes explained that another farmer in area has same agreement with the Town. Cooper said that he has a million dollar umbrella policy. Hughes said that the umbrella policy might provide what the Town needs and that Cooper should provide a copy to the Town. Cooper also said that the letter sent by Ayers said to return the agreement and rental payment to the Town office but the agreement says that payment is due on or before December 31st of the cropping year. The Board agreed that payment is not due until December 31st.
- d. Discussion with Jim Taff regarding Outlot 2, CSM #12603. Taff expressed his concern and submitted related documents regarding his previous attempt to create the Jay Fuller Commercial plat, which he withdrew in December of 2009. Taff asked the Town to reconsider the plat. Taff said he is prepared to dedicate Taff's Trail to the Town at no cost via Quit Claim Deed. Hess noted that the letter to Mr. Taff from the Town of Burke stating that the plat submission was incomplete was not included in the documents Taff presented. Hughes advised Taff that if he serious about moving forward he resubmit an application that fulfills that Town requirements.

- e. Discussion with Don Tierney regarding Savannah Brooks Development. Mike Lawton, attorney for Tierney, explained that the Agreement Fixing the Municipal Boundary between DeForest and Town of Burke included revenue sharing on this property (Reigstad property). In 2008 the Town, Village of DeForest and Tierney negotiated an amendment to the agreement. Upon executing the amendment Tierney paid \$10,000 to the Town and agreed to pay the Town an additional \$50,000 upon consummation of the TIF. Since the TIF was not consummated, the agreement expired in 2009 and no additional payment was due to the Town. Lawton drafted a continuation of the agreement for the Town's review. If approved, the agreement would start the end of May 2010 and continue for one year with the \$50,000 provision. Tierney expressed his dissatisfaction over the \$50,000 payment. Tierney indicated that he has someone interested in the land and he would like to have the Town's approval of this agreement by June 22nd.
- f. Request from VFW Post 8483 for Temporary permits for Independence Day Celebration and Annual Car Show. Berg noted that a signature was missing from the application, which was obtained at the meeting. Motion: Searls/Berg to approve both temporary permits contingent upon receiving approval of the security plans from Dane County. Motion carried.
- g. Trees in right of way at Seminary Springs Road. Kurt submitted photos of the trees and bids from Competitive Tree Service and Jim's Tree Service for their removal. The bids included the option of having the trees and debris removed or having the trees cut down and Town staff removing the debris and wood. Kurt said that there is a person interested in the wood from the trees. Motion: Hess/Berg to approve the proposal from Competitive Tree Service without clean up. Motion carried.
- h. Possible repair of Charlotte's Way. Pinion recommended that the Town obtain ten pavement borings at \$65 a piece to help determine the best course of action. Motion: Searls/Berg to approve the borings and that the associated logs/records become property of the Town. Motion carried.
- i. Resolution 06022010 regarding fees for right of way privileges. Motion: Berg/Munson to approve Resolution 06022010 including the application fee of \$150 and annual fee of \$100. Motion carried.
- j. Request from Ayers to attend the Administrator's Summit in July. Ayers provided a copy of the summit's brochure in the Board packet. The cost of the summit is \$409 and lodging costs \$360 there will be additional meals and mileage expenses. Motion: Searls/Berg to approve the request as presented. Motion carried.

3. OLD/UNFINISHED BUSINESS

- a. Update Town Storm water issues-Charlotte's Walk, Wynbrook and Raintree subdivisions (CDBG-EAP Grant). The Town did not receive the CDBG-EAP Grant. The Board will reconsider the project at budget time.
- b. Committee & Commission appointments. None
- c. Follow up on 2009 Roads project. Pinion reported that he and Kurt met with Brian Wallace of Payne and Dolan to inspect the cracking of the road and lack of grass. Wallace's initial response was that the grass died and road crack due to use of salt. Pinion informed Wallace that his response was unacceptable. Wallace and his boss will provide Pinion with a plan to rectify the problems by Monday, June 14. Hess asked how much of the pavement is cracking. Pinion said an average of approximately 3% of the total lineal footage of the project is cracked. Pinion also reported that approximately 50% of the shoulders lack grass growth. Pam Treige of 3718 Bull Run noted that there does not appear to be enough black dirt on the shoulders.
- d. Update on metal stakes in right of way. Two properties have unacceptable stakes in the right-of-way. One of the property owners did not sign for the certified letter sent by the Town the other property owner has contacted the Town to see if the stakes are acceptable.

In addition, the Town received a report that a culvert in a driveway on Bull Run has been filled with dirt. Staff will follow up on these issues.

- e. Status of Intergovernmental Agreement for EMS Services. Ayers reported that Fleming sent his comments on the draft of the agreement to the appropriate representatives of the Town of Madison and Town of Blooming Grove.
- f. Detachment of a portion of the Bostad property previously annexed to the City of Sun Prairie (Weybridge Development) and attachment to Town of Burke. No update.

4. COMMITTEE REPORTS (AS APPLICABLE)

- a. Plan Commission/ETZ Committee- ETZ was canceled for June and the next Plan Commission meeting is June 9th.
- b. Parks Commission- Hess suggested that Munson look into the request for wood chips, etc. at Burke Conservancy.
- c. EMS Committee- Berg reported on his conversation with a resident in follow up to her concerns about a recent EMS call.
- d. Fire Commission- next meeting is July 5th.
- e. NECC- no update.
- f. JRTC- did not meet due to lack of quorum.

5. **CLOSED SESSION: The Town Board will convene into closed session pursuant to Wis. Statute 19.85 (1)(e)** Deliberating or negotiating the purchasing of public properties, the investing of public funds, or conducting other specified public business, whenever competitive or bargaining reasons require a closed session, to discuss contracting with an Engineering firm and to discuss an amendment to the agreement amending the agreement fixing municipal boundary between the Village of DeForest and the Town of Burke. Motion: Hess/Berg to convene in closed session. Roll call: Searls-aye, Hess-aye, Munson-aye, 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 and to proceed with other items on the agenda. Motion: Searls/Berg to reconvene in open session. Motion carried.

Motion: Hess/Searls to approve the amendment to the agreement drafted by Lawton contingent upon Tierney paying \$10,000 to the Town of Burke up front in addition to the \$50,000 upon consummation of the TIF and that the modifications to the form of the agreement are acceptable to the Town Attorney and a representative of the Town Board. Motion carried.

7. ADJOURNMENT

Motion: Berg/Munson to adjourn. Motion carried. Meeting adjourned at 9:28 p.m.

Brenda Ayers
Clerk/Treasurer
Town of Burke
6/10/2010