

**Town of Burke Board Meeting Minutes – August 15, 2012**  
**6:00 p.m.**

Board members in attendance: Supervisor Berg, Supervisor Hess (acting Chair), Supervisor Searls and Supervisor Munson. Excused: Kevin Viney. Also in attendance: Brenda Ayers, Clerk/Treasurer; Ron Kurt, Public Works; Kim Peterson, Deputy Clerk/Treasurer; Deputy Dale Veto and Anne Anderson, 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 6:00 p.m. by acting Chair Hess.
- c. The Pledge of Allegiance was recited.
- d. Approval of minutes from the July 18, 2012, Board meeting. Motion: Searls/Berg to approve the minutes as presented. Motion carried.
- e. Public Works report. Kurt reported that staff is finishing the second round of chipping for August. In October staff will trim a few trees in the area. Dane County will finish chip sealing by the end of the week. When the sealing is complete the roads will be swept and the center striping will be applied. Edge striping will be done later. The extra sweepings from the roads will be stored at the shop to be used to freshen up the park trails. There is a squeak in the 2009 one-ton and a crack in loader tractor windshield that will be repaired.
- f. Clerk/Treasurer report. Ayers reported that the Master Academy she attended at the end of July included classes on long term capital planning and poll worker training and was very beneficial. She will attend further training at the WMCA Conference in Middleton on August 23 & 24. There were 556 voters (25% turnout) in the August Partisan Primary and no new voters were registered. The final plat documents for the WoodGer Development were submitted to the office but it is incomplete. On August 7, an invoice was sent to Dane County Land Conservation for the \$50,000 stormwater grant for the Charlotte's Pond reconstruction.
- g. Finance Report. The Cash on Hand report as of July 31, 2012, was included in the Board packet.
- h. Approval of Bills. Board members reviewed the bills and signed the Town Board Approval cover sheet for check number 25310-25366 and payroll related disbursements number 2093-2123.
- i. Public Concerns: Deputy Veto read his report for July. There was large volume of citations issued by non-contract Sheriff's Deputies due to planned speed enforcement. A truck previously stolen on Sunnyburke was recovered.

2. NEW BUSINESS

- a. A request from Edward Pazdziora for a fireworks permit to have a fireworks display on private property owned by Alan Romeis, 6186 Portage Rd, Labor Day weekend. Pazdziora noted that he is a licensed fireworks manufacturer and he wants to put on a small private show for

friends. The owner of the property was previously granted an Ag permit for fireworks. Reading from the Ordinance, Hess asked if Pazdziora if he met the qualifications of who may obtain a permit. Pazdziora did not meet any of the qualifications so his request was denied.

- b. Donald Smith, Mad Prairie Landfill, will address the Board regarding an upcoming Public Hearing for a plan amendment filed with the DNR. Smith introduced himself to the Board and reported on his background in environmental engineering. Smith reported that the landfill is required to pay the Town host fees equal to 3.5% of discounted revenue with a minimum annual payment of \$50, 0000. He reported that due to the lack of construction, the site has had a decline in revenue since it is only permitted to take construction, demolition and special industrial waste. He noted that he is building a berm with grass cover to screen the area from the nearest neighbors (condos). The landfill recently submitted a plan modification to the DNR asking for permission to take dredge from bodies of water. Under the current permission they can accept soil from the land surrounding the waterway but cannot take the soil from the bottom of the waterway due to the potential contamination of metal and PCBs. He noted that he arranged with Town staff to have the required public hearing on the modification at the Town Hall on August 30<sup>th</sup>. Smith distributed a press release for another site as a sample of what will be printed in the newspaper for the hearing.
- c. Ordinance 08152012 “TO REPEAL AND RECREATE SECTION 92.01 (2)/G.O. 1-2-5 (b) OF THE TOWN OF BURKE UNIFORM CODE OF ORDINANCES, REGARDING OFFICIALS AUTHORIZED TO ISSUE CITATIONS”. Ayers reported that the Fire Department asked that the ordinance be revised to grant the Fire Chief authority to issue citations. She also noted that the present ordinance did not list the Public Works staff as having the authority issue parking citations so the revised ordinance also includes this provision. Motion: Berg/Searls to approve Ordinance 08152012 as presented. Motion carried.
- d. Televising a portion of Eagle Crest Sanitary District. Kurt reported that the sewer back-up on the Peterson property brought this issue to light. When McCann televised the pipe in the past, there were roots that needed to be removed. Roto Rooter charges \$.25 per foot for televising without cleaning and \$.75 per foot with cleaning and \$1.50 per foot for root extrication. McCann charges \$1.75 per foot plus \$250 per hour for cleaning. McCann also said there would be a price break since we are a repeat customer. Hess inquired if there is enough money in the Eagle Crest UD funds. Ayers responded yes and reported that the DNR recommended televising with their review of the CMAR. Motion: Hess/Berg to authorize Kurt and Ayers to enter into a contract to televise Eagle Crest Sanitary District at a cost not to exceed \$2,500. Motion carried.
- e. Posting of no parking on Dovetail. Deputy Veto reported that the owner of an auto repair shop is abusing the parking ordinance by moving vehicles slightly forward or backward to avoid a citation. The landlord of the building does not allow vehicles to be parked in front of the shop.

Veto distributed a map of the area. He proposed that the south side of Dovetail and the Eastside of Express Circle be posted as no parking and the other sides posted no parking except 6:00 a.m. to 6:00 p.m. Monday-Friday. A concern was raised about employees of a plowing company that might not be back to their shop to move their vehicles by 6:00 p.m. A suggestion was made to post no parking 10 p.m. to 6: a.m. Peterson suggested contacting the landlord to make him aware of the situation. Veto will make contact with the landlord and report back to the Board if he still recommends the posting of no parking signs.

- f. 2011 Audit Report. Motion: Berg/Munson to accept the audit report by Johnson Block as presented. Motion carried.
- g. Operator's licenses. None.

### 3. OLD/UNFINISHED BUSINESS

- a. 2012 Roads Project update and approval of pay request no. 1. Anderson noted that the quantities on the pay request are as expected. She also reported that extra pavement was added on Templeton to the west to make up for lack of undercuts. Anderson did not recommend payment for the rip rap at this time since it was not compliant with the project specifications. She is concerned that it is not adequate to sustain the water flow as it enters the pond. Kurt noted that the recycled shoulders are holding up well. Motion: Searls/Berg to approve pay request no. 1 (without rip rap) as presented in the amount of \$282,447.74. Motion carried.
- b. Charlottes Walk Pond project update and approval of the final pay request. Anderson reported that Badgerland provided the requested lien waivers and she recommended releasing the retainage. Motion Searls/Munson to approve the final pay request in the amount of \$2,052.90. Motion carried.
- c. Update on Charlotte's Walk Pond 2 un-named tributary (BB1) study. Anderson reported that the crews have started surveying the area.
- d. Status of final layer of asphalt in Gehrke's Knoll. Ayers noted that Doug Gehrke told her that they will complete the base repairs and final layer but the letter of credit requested is holding them up. Ayers checked with the Town Attorney and he recommended that the Town suggest that the letter of credit be reduced to cover only the warranty of the final layer after the project is complete. Anderson noted that it is normal to reduce the letter of credit as a project progresses. Her recommendation was that the letter of credit could be reduced by \$62,000 after the project is complete. Anderson also noted that someone from Mead & Hunt should be present when the contractor does the undercuts on the roads.

### 4. COMMITTEE REPORTS (AS APPLICABLE)

- a. Plan Commission- next meeting is August 22<sup>nd</sup>.
- b. ETZ Committee- no meeting this month.
- c. Events Committee- the Town picnic is scheduled for August 25<sup>th</sup>.
- d. Parks Commission- there was an issue with a resident privately contracting someone to do work in one of the Town parks. Berg talked to the individual and explained what individuals (or groups of) can do in

Town parks. Berg would like the park budget to include a modest amount of discretionary funds for the neighborhood associations to use to make park improvements.

- e. Fire Commission- contract negotiations are continuing.
- f. NECC- met on August 6<sup>th</sup>. Things are running as expected. Next meeting is scheduled for October 8 to approve the budget.
- g. JRTC- Next meeting is Monday, August 20.

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 the Dane County Sheriff's agreement. Motion Hess/Berg to convene in Closed Session. Roll call: Berg- aye, Hess-aye, Munson-aye, Searls-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/Munson to reconvene in Open Session. Motion carried. No action was taken on items discussed in Closed Session.
7. **ADJOURNMENT**  
Motion: Munson/Berg to adjourn. Motion carried. Meeting adjourned at 7:28 p.m.

Brenda Ayers, Clerk/Treasurer  
Town of Burke  
09/12/12