

## TOWN OF BURKE BOARD MEETING MINUTES

June 18, 2014

6:00 p.m.

Board Members in attendance: Chairman Viney; Supervisor Berg; Supervisor Hess; Supervisor Nimmow and Supervisor Searls. Also in attendance: Brenda Ayers, Clerk/Treasurer and Ron Kurt, Public Works Lead. See attached list for other interested parties.

### 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.
- c) The Pledge of Allegiance was recited.
- d) Public Hearing on liquor license renewals. No one spoke for or against the renewals.
- e) Approval of minutes from the May 21, 2014 Board meeting. Motion: Hess/Berg to approve the minutes as presented. Motion carried.
- f) Public Works report. Kurt reported that there was substantial storm damage in the Town early Tuesday (June 17) morning. Most damage was between Burke and Felland Roads. Kurt was called in at 1:00 a.m. because Felland Road was blocked by downed trees. A few residents experienced structure damage from downed trees and wind damage. Kurt reported that another storm passed through this morning which resulted in downed trees in other areas of the Town but no structure damage. Town residents are inquiring about additional brush chipping due to the storm and are being told that the Town does not have the resources to help with individual clean up and that chipping will resume as scheduled in August. The Town Board supported this position. Kurt reported that staff took care of the brush pile in Huntington Meadows Park. "No Dumping" signs have been placed and residents in the area were sent a letter advising them not to dump in the park. Staff will proceed with ditch mowing and shouldering once storm clean up is complete.
- g) Clerk/Treasurer report. Ayers reported that the letters to the residents in the Huntington Meadows Park area also listed disposal options. She noted that the closure of the Highway 19 compost site might result in further dumping throughout the Town. The alternative site on Highway 12/18 is not convenient for residents and Ayers is exploring other options. Staff is preparing for the August 12 election.
- h) Finance Report. The Cash on Hand as of May 31, 2014 was in the packets.
- i) Approval of Bills. Board members reviewed the bills and signed the Town Approval cover sheet for check numbers 26755-26808 and payroll related disbursements numbered 3062-3095.
- j) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. None.

#### 2) NEW BUSINESS

- a) Renewal of Liquor, Cigarette and Operator's licenses. Board members were provided with a list of Liquor License, Cigarette and Operator's Licenses applicants in their Board packet. Ayers reported that four additional Operator's applications were submitted after packet distribution. Two applicants for Operator's Licenses had alcohol related arrests and/or convictions on their record and were considered by the Board independently. Board members were provided

with a resolution to approve and a resolution to deny each applicant to be adopted as they determined. Motion: Searls/Berg to adopt Resolution 6182104A Denial of Operator's License for Charles Graham. The resolution was read by Berg. Motion carried. Hess asked Jessica Bredeson how the information found in her background check related to alcoholic beverages. She responded that in 2004 she killed someone drunk driving. Bredeson further explained that her recent violations in 2009 and 2010 were for having dirty UA alcohol tests. Bredeson further explained that she has been with the company for 6 years and the new owners have recently obtained a license to sell carry out beer and intoxicating liquors. Angela Lisi, manager of the business, said she has no concerns about Bredeson's ability to responsibly sell alcohol. Motion: Hess/Nimmow to adopt Resolution 60182014B Approval of an Operator's License for Jessica Bredeson. Motion carried. Searls-nay. Motion: Searls/Berg to approve Liquor License, Cigarette, and the remaining Operator's Licenses as listed and reported. Motion carried.

- b) Requests from the VFW for a temporary Class B Licenses for a 4<sup>th</sup> of July event on June 28, 2014 and Car Show on August 23, 2014. The applications submitted included a site plan with fencing. Representatives from the VFW reported that since Rhythm and Booms has moved downtown they expect the attendees will be "regular" customers and the beer tent will be significantly smaller. The Car Show will be the same as the last five years. VFW representatives showed the Board a poster for the car show. Motion: Hess/Searls to approve Temporary Class B Licenses for the VFW for the 4<sup>th</sup> of July event on June 28<sup>th</sup> and the car show August 23, 2014. Motion carried.
- c) An application for a Conditional Use Permit submitted by Kwik Trip for a new diesel and compressed natural gas (CNG) facility on the property located across from Rodeside Grill on Rostad Circle/Drive, parcel number 0810-052-1462-0. Jeff Reichling and Troy Mleziva were present to represent Kwik Trip. They explained that Kwik Trip is interested in purchasing the cornfield parcel next to Badger Truck on Rostad Drive for a Diesel/CNG facility. The facility would have four fueling lanes, a canopy, room for parking, curb and gutter and a compressed natural gas enclosure. Based on staff recommendations, they will also install a sidewalk and crosswalk to direct pedestrian traffic to their existing store across the street. In addition, they are requesting an easement to run wiring to connect communications to the two locations (agenda item 2e.). Reichling explained the facility will better serve customers that use their existing facility and will improve traffic flow. Reichling also noted that they expect the facility will serve mostly local customers and not interstate traffic since it will not offer the amenities of a full service truck stop. Viney noted a concern about the crosswalk and safety of pedestrian traffic. Hess reported that the Plan Commission recommended that the crosswalk is properly lit/signed in accordance with staff recommendations and State Statutes. Hess also reported that the Plan Commission was also concerned about the on street parking on Rostad and recommended that the Board place no parking signs on both sides of Rostad (this will be a future agenda item). Hess further reported that the Plan Commission recommended approval with three contingencies: 1) crosswalk area is marked and signed as recommended by Town Staff and Wisconsin State Statutes 2) the easement requested follows the sidewalk/cross walk and Kwik Trip is required to pay for the use of the right of way since it is not for public benefit and 3) any additional contingencies placed by DeForest-Burke ETZ. Motion: Hess/Nimmow to approve the CUP with the three contingencies as recommended by the Plan Commission. Discussion: Kurt noted his concerns about prohibiting parking on Rostad including enforcement and

current overnight parking of semis further down Rostad by Days Inn. Reichling noted that they have sufficient on site parking to provide stacking for drivers that wish to visit the store site. Mleziva noted that they don't want to jeopardize the safety of the community and store staff is willing to assume some of the responsibility of monitoring the parking. Reichling reiterated that the goal isn't to increase traffic but to better suit those that are already using the existing store. Motion carried.

- d) A one lot Certified Survey Map (CSM) submitted by Jeff Ekola on behalf of Ecumenical Housing Corporation for the purpose of improving the legal description of the property and dedicating public right of way on the property located at the corner of Lien and Felland Roads, parcel number 0810-352-8030-6. Jeff Ekola, representing Ecumenical Housing Corp., explained that they want to clean up the legal description and clearly define rights-of-way. He further noted that that the property will probably be sold and the CSM will provide a more definite lot boundary than the current metes and bounds description. Hess reported that the Plan Commission recommended approval of the CSM as submitted with 6 contingencies recommended by Dane County and a 7<sup>th</sup> condition requiring satisfaction of any additional comments from the City of Madison. Motion: Hess/Berg to approve the proposed CSM contingent upon the satisfaction of the conditions of approval listed in the letter to Birrenkott Surveying from Dan Everson, Dane County, dated May 7, 2014 (copy attached) and any comments from the City of Madison Review. Motion carried.
- e) Request for a telecommunications utility easement from Kwik Trip to connect telecommunications utilities between the existing store on Pepsi Way and the proposed CNG/Diesel facility. Hess noted that the Plan Commission recommended redrafting the easement area to follow the path of the sidewalk and crosswalk. Motion: Hess/Berg to approve the easement with the following conditions: 1) the easement area is revised to follow the sidewalk and crosswalk 2) the easement document is in a form acceptable to the Town Attorney and Clerk 3) a rental of right-of-way fee is paid consistent with the Town's fee schedule. Motion carried.
- f) Possible participation in the County Highway C project. Ayers and Kurt attended meetings with Dane County, City of Sun Prairie and Town of Windsor regarding this project which is scheduled for 2016. The Board was provided with a copy of the cost sharing estimates provided by the County. Sections 1 and 2 of the project are in the Town of Burke the Town's cost share portion is \$393,795.94. Kurt noted that section 2 includes the addition of curb and gutter and a bike lane. Ayers noted that in past joint projects with the City of Madison the City picked up the cost for the bike paths, curb, and gutter since it is not the Town's practice to include these items. Via email Ayers asked Pam Dunphy with Dane County Highway about the excluding the bike path and curb and gutter. Her response (provided in the Board packet) was: "As per Wis. Admin. Code Trans.75.02, WisDOT requires authorities (the local govt unit having primary responsibility over the maintenance of a highway) to include bike facilities and sidewalks in all new highway construction and reconstruction projects funded in whole or in part by state or federal funds except in limited situations. Curb and gutter provides for drainage, eliminates the need for ditches and decreases (or possibly eliminates) the need for right of way acquisition. If this was just a rural county project, we would also just improve the pavement. However, this roadway is urban in the area just north of 19(section 1) and proposed to be improved to an urban section in section #2." Board members expressed concern about being asked to pay for repairs to a County Highway and felt the costs to repair should be spread

throughout the entire county and not individual municipalities. It was also noted that Burke's share of the costs were equivalent to a year's worth of road projects. The Board asked Ayers to contact County Supervisor Andrew Schauer to discuss the county's practice of assessing municipalities for a portion of improvements to county highways. Motion: Searls/Berg to deny participation in the County Highway C project. Motion carried. The Board also recommended that Ayers invite Supervisor Schauer to the July Board meeting to give the Board members a chance to meet him.

- g) 2014 Road Projects scope of services and seal chipping project. Kurt recommended chip sealing Thorson Rd with the Town of Sun Prairie and City of Madison, Reiner Road from Nelson north to town line and the Bridle Downs Subdivision at an estimate cost of \$65,000-\$70,000 including striping. Motion: Berg/Searls to approve the chip seal projects as recommended by Kurt and authorize staff to advertise for bids. Motion carried. The Scope of Services for the 2014 Road Projects includes engineering in the amount of \$64,000 for Irving, Templeton, Kittleson, Swansee and Breeze Drive as an alternate. Motion: Berg/Searls to approve the Scope of Services for engineering services related to the 2014 Road Projects as submitted by Mead and Hunt in the amount of \$64,000. Motion carried.
- h) Scope of Services from Mead & Hunt for road assessment related to posting of weight limits, etc. Hess reported that Hughes advised that an engineering study is necessary to give the Town a basis for posting roads. Ayers reported that this item was held over from the May meeting so she could consult with Mead & Hunt regarding other benefits for information gathered from the study. Ayers reported that Lew from Mead & Hunt said the information will be beneficial for future road projects. Ayers also reported that she suggested that Lew inquire about renting counters from Dane County. Her suggestion resulted in a cost savings of \$6,550 from the previous scope. Motion: Hess/Berg to approve the Scope of Services for road assessment dated June 4, 2014. Motion carried.
- i) Request from the Token Creek Lions to close Portage Road (intersection of Rattman to Hwy 19) from 10 a.m. to 3 p.m. on July 4<sup>th</sup> for their annual event. Scott Woody of the Token Creek Lions Club submitted a written request to close the road, use the Town gator and barricades and to have assistance from the sheriff's department. Hess noted that since the Town no longer contracts for a deputy the Lions will need to contact the Sheriff's Department directly. Kurt noted his concern about garbage. Kurt reported that he will coordinate the barricade and gator drop off with the Lions. Motion: Berg/Hess to approve the road closing, advise the Lions that they must make their own arrangements for deputy coverage and that they must clean up and haul away the refuse from the site. Motion carried.
- j) Resolution 06182014 Approving the Submittal of the 2013 Compliance Maintenance Report (CMAR). Motion: Hess/Berg to adopt Resolution 06182014. Motion carried.

### 3) OLD/UNFINISHED BUSINESS

- a) Update on options for regulating heavy truck traffic. Ayers, Kurt and Hughes were scheduled to meet with the City of Sun Prairie on June 17 but Ayers canceled the meeting so Kurt and staff could concentrate on storm clean up. Ayers is working on rescheduling the meeting.
- b) Update on Land Division/Sub Division code revision. Hughes and Ayers met with the Plan Commission to obtain feedback on specific items in the proposed

ordinance. Ayers will attend the Park Commission meeting on June 26 to obtain feedback regarding park and recreation items.

- c) Update on Town road improvements required by the City of Madison for the UWHC at The American Center Project including approval of the Contract for the Construction of Public Improvements. The most recent draft of the contract was provided to the Board. UWHC indicated that there will not be any hauling of construction materials on Hoepker Road and deleted the reference in the contract. Attorney Hughes recommended adding the following sentence to the end of No. 7 on Exhibit A: "Neither Developer nor its contractors shall use Hoepker Road for hauling to or from the project site." UWHC's attorney has not responded to the revision. Motion: Hess/Berg to approve the Contract for the Construction of Public Improvements with the language suggested by Hughes and in a form acceptable to the Town attorney. Motion carried.
- d) Update on the US 51 (Stoughton Road) Corridor Study. Nothing new to report.
- e) Update on Charlotte's Walk Pond 2 un-named tributary (BB1) study. No report.

4) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission- met prior to Town Board meeting regarding proposals from Kwik Trip and Ecumenical Housing. There are no pending applications at this time.
- b) ETZ Committee- next meeting is July 8.
- c) Events Committee- the Town picnic is scheduled for August 23.
- d) Parks Commission- meeting June 26 to review a draft of the five year plan and make suggestions to the Land Division/Subdivision revision.
- e) NECC- next meeting is July 28, 5 p.m.
- f) DATC- nothing to report.

5) NEXT MEETING DATE. July 16, 2014 at 6:00 p.m.

6) ADJOURNMENT. Motion: Hess/Searls to adjourn. Motion carried. Meeting adjourned at 7:36 p.m.

Brenda Ayers  
Clerk/Treasurer  
07/10/2014



## Dane County Planning & Development Land Division Review

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May 7, 2014

Birrenkott Surveying, Inc.  
PO Box 237  
1677 N. Bristol St.  
Sun Prairie, WI 53590

Re: Ecumenical Housing(CSM 9597)  
Town of Burke, Section 35  
(1 lot, 26.4 acres)

Current zoning of subject parcel is A-1, agricultural.

Attention: Daniel Birrenkott, S-1531

The proposed CSM is hereby conditionally approved as follows:

1. The document is to be completed in accordance with S.236.34, Wisconsin State Statutes.
2. The following notation shall be added – *Refer to building site information contained in the Dane County Soil Survey.*
3. All owners of record are to be included in the owner's certificates. (County records indicate that ECUMENICAL HOUSING CORP is the owner.
4. The required approval certificates are to be satisfied prior to final submittal.
  - *Town of Burke*
  - *City of Madison*
5. Comments from the Dane County Surveyor are to be satisfied:
  - a. *The bearing of the right-of-way line along FELLAND ROAD is slightly different than the boundary line. Also, the distance along said right-of-way line is short by 0.22 feet. Please identify misclosure error and correct. 236.20(2)(c)*
  - b. *Show the right-of-way line north of the CSM boundary along FELLAND ROAD just as you do along LIEN ROAD. 236.20(2)(f)*
6. The recordable document is to be submitted for review and approval.

When the above conditions have been fully satisfied, the original document along with a copy of this letter may be submitted for final review and the Dane County approving signature will be affixed. Please allow for ten (10) working days for approving signature. Any questions regarding this letter, please contact myself.

Sincerely,

Dan Everson  
Assistant Zoning Administrator  
267.1541

CC:  
Clerk, Town of Burke  
City of Madison Planning – Tim Parks