

**TOWN OF BURKE BOARD MEETING MINUTES March 18, 2015- AS REVISED AT THE April 21 Board meeting
6:00 p.m.**

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Truitt and Supervisor Stieren and Supervisor Nimmow. Also in attendance: Brenda Ayers, Clerk/Treasurer; Ron Kurt, Public Works Lead; Kim Peterson, 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 is present and that the meeting was properly posted.
- b) The meeting was called to order 6:02 p.m.
- c) The Pledge of Allegiance was recited.
- d) Public Hearing regarding rezone petition #10801 submitted by Floy Sauey to rezone from C-1 to A-1 to make lot available for farmland with adjacent A-1 properties. Property located at 3696 Burke Rd, Madison, parcel number 0810-224-9850-7 Sean McNally(sp ?) representing Sauey indicated the rezone was to conform to the existing surrounding land owned by Mr. Sauey. Ayers noted that the Plan Commission recommended approval. No other public comments.
- e) Approval of minutes from the February 18, 2015 Board meeting. Motion: Nimmow/Truitt, Stieren to approve the February 18, 2015 Board meeting minutes as submitted. Motion carried.
- f) Public Works report. Kurt reported the Peterbilt plow truck had some rear-end issues and has been fixed. \$5,500 in repairs. A new 1 ton GMC truck has been ordered through Zimbrick Eastside. It will take 6-8 weeks before we get it. Kurt said he still has to decide who will be doing the set-up of the plow, box etc. Staff has been picking garbage out of the ditches. Road flags are up for the spring thaw. (Note, they are not road "bans" since the road are posted 5 ton year round and are not changed in the spring). DOT will give notification when they can be removed. He and Jeff from Crack Filling Services went around and looked at the roads to figure out which ones need attention. Chipping will start the week of April 13th. He will be leaving for vacation Friday, March 27th for 10 days. Viney asked about selling the old 1 ton. Kurt indicated they will put it up for sale in the parking lot, if there is no interest they can also sell it through WI Auto Auction.
- g) Clerk/Treasurer. Ayers reported upcoming Election April 7th. Poll-worker training is on March 31st. In addition absentee ballots were mailed Tuesday and in person absentee voting will start Monday, March 23rd.
- h) Finance Report included in packets.
- i) Approval of Bills. Members reviewed the bills and signed the Town Board Approval cover sheet for check numbers 27376-27434 and payroll related disbursements numbered 3344-3371.
- j) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. Ed Rowe from Festival Way addressed concerns with road signage at Shiloh where it meets Fox Run. He was also concerned that a business is being run from a home in the subdivision. The resident in question parks a very large truck at the premises. Viney asked if the

person lived at the residence. Stieren was familiar with the property and indicated that it was a resident on the south side of the park who is a consultant and collects water samples. He drives a large tandem truck with empty 30 or 50 gallon drums. Kurt noted his concern with the weight of the vehicle. Ayers indicated she will contact Dane County Zoning regarding the complaint. Kurt will address the street sign issue.

2) NEW BUSINESS

- a) Resolution 03182015A Approving Rezone Petition #10801 Submitted by Floy Sauey. Viney asked if the building and concrete has been removed and if it was zoned commercial. Ayers said it was C1. Berg indicated that they had come before the Plan Commission and that the change made sense and the Commission recommended approval. Berg/Nimmow to approve resolution 03182015A Approving Rezone Petition #10801 Submitted by Floy Sauey. Motion carried.
- b) Resolution 03182015B Approving A Certified Survey Map (CSM) submitted by Isthmus Surveying on Behalf of Mark Hoover to combine part of Lot 2, Lot 3, Lot 4 and Lot 5 of Gilman and Droster's plat into one lot to allow a previously approved mixed use development on the property (Snow Leopard Spirits CUP #2290). Properties located at 5291 Felland Rd, Madison, parcel numbers 0810-233-7512-9, 0810-233-7545-0 and 0810-233-7534-3. Berg noted they came before Plan Commission to tidy up some surveying issues however it doesn't change the overall project. He also stated that the Plan Commission recommended approval. Motion: Nimmow/Truitt to approve Resolution 01182015B Approving A Certified Survey Map (CSM) submitted by Isthmus Surveying on Behalf of Mark Hoover to combine part of Lot 2, Lot 3, Lot 4 and Lot 5 of Gilman and Droster's plat into one lot to allow a previously approved mixed use development on the property(Snow Leopard Spirits CUP #2990). Motion carried.
- c) Update on 2009 tax bill for 4014 Hanson Road (property currently owned by the City of Madison) and payment thereof. Property was by owned by MGE until it was sold in 2008 to the City of Madison and should have been tax exempt at that point. Ayers reported that it was brought to her attention in November 2011 and a chargeback was filed with DOR. Somewhere something got missed and the taxes have never been paid to the county and the DOR never made a determination on the chargeback. She was advised by the County that if the Town pays the \$1964.97 by months end there will be no charge for interest and penalties. She noted it was our error and that the City is under no obligation to pay it. Board approval is needed in order to pay it. Motion: Berg/Stieren to authorize Ayers to clear up the matter. Motion carried.
- d) 2015 Road projects with City of Madison and possible assessments. Kurt reported this summer the City will begin work on Hoepker between 51 and just east of the bridge. Turn lanes will be added as well as curb and gutter. The bridge will be closed for three months starting in September for repairs which will occur in conjunction with the Towns chip seal projects. There will be a portion that the Town is responsible to pay for. Ayers asked the Board for verification on whether the Town would be assessing property owners for the Burke portion

where curb and gutter will be put in. Kurt indicated the property owners have already had an informational meeting and they are aware of it. Berg asked if the City was imposing these costs on us. Kurt replied that we are aware of the costs and the portions that we are responsible for because it is a shared road.

- e) Consideration of adopting an ordinance regulating where sex offenders can live in the Town. Truitt reported that he drafted an ordinance regulating where sex offenders can live based off a City of Milwaukee ordinance. He indicated his concern with the placement of sex offenders in the community by the Department of Corrections. He noted that many will re-offend and finds it to be very concerning for our town residents. Viney asked if there are differences between towns and cities. He also asked how many licensed daycares were located in the Town. Ayers indicated that there are differences and that the agenda item is only for the Board to discuss consideration of an ordinance. Nimmow indicated that he was aware of a website that people can access online to see where these people live. He also feels it would be worth looking into. Berg also noted the website, however it is not always accurate and it does not include people out there who are about to offend. It is incomplete. Motion: Stieren/Nimmow to pursue more information regarding a possible ordinance to keep our kids safe. Berg-nay *(NOTE: at the April 21, 2015 Board meeting Berg requested that the following clarification be added to the minutes: "Berg indicated his nay vote was on the practicality of the ordinance not on the motion of keeping kids safe."* Motion carried. Ayers asked if members would be willing to have a representative from the Department of Corrections speak before the board. All yes.
- f) Operator Licenses. Motion: Berg/Stieren to approve operator license for Brittany Ottinger, Terrence Stern and Tyler Martinson. Motion carried.

3) OLD/UNFINISHED BUSINESS

- a) Update on options for regulating heavy truck traffic. Ayers reported she received an email from attorney Hughes stating he has not been able start the drafting of the permit. It will not be enforced until spring of 2016.
- b) Status of Madison acquiring Eagle Crest and Zeier utility districts. Ayers reported that the televising and viewing of the lines have been completed and most of it looks good. Mike Dailey is on vacation until Monday and she will talk to him next week.
- c) Update on Land Division/Sub Division code revision. No update
- d) Update the UWHC at The American Center Project. No update.
- e) Update on Charlotte's Walk Pond 2 un-named tributary (BB1) study. No update.

4) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission. Berg reported they met on March 11th and recommended approval with contingencies for Wilde Honda. Berg also indicated that they will have less lighting and agreed to one driveway instead of two. They are working with Dane County Land Conservation to address drainage.
- b) ETZ Committee. No update.
- c) Parks Commission. Stieren reported they met on February 23 and that a request form was introduced. They are meeting again on March 23rd.

- d) NECC. No update. Next meeting April 27th.
- 5) **CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WIS. STAT. SEC. 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 receive an update on the status of the current EMS contract. Viney announced the closed session as stated on the agenda. Motion: Berg to convene into closed session. Roll call taken. Berg-aye, Nimmow-aye, Stieren-aye, Viney-aye, Truitt-aye.
- 6) **OPEN SESSION. THE TOWN BOARD WILL RECONVENE INTO OPEN SESSION PURSUANT TO WIS. STATUTES 19.85(2) FOR DISCUSSION AND POSSIBLE ACTION REGARDING MATTERS DISCUSSED IN CLOSED SESSION** Motion: Nimmow/Stieren to reconvene in open session. Roll call: Berg-aye, Nimmow-aye, Viney-aye, Truitt-aye, Stieren-aye.
- 7) POSSIBLE ACTION ON ITEMS DISCUSSED IN CLOSED SESSION. No action was taken.
- 8) NEXT MEETING DATE. Tuesday April 21, 2015 immediately following the Annual Meeting.
- 9) ADJOURNMENT. Motion: Stieren/Nimmow to adjourn. Motion carried. Meeting adjourned 7:21 p.m.

By: Kim Peterson
Deputy Clerk/Treasurer
4/13/15