

TOWN OF BURKE MEETING MINUTES
Wednesday, October 16, 2019
6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, Supervisor Stieren, and Supervisor Truitt. Also Brenda Ayers, Administrator/Clerk/Treasurer, Teri Saxon, Deputy Clerk/Treasurer, and Ron Kurt, Public Works Lead. 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 the meeting was properly posted.
- b) The Meeting was called to order at 6 p.m. by Chairman Viney.
- c) The Pledge of Allegiance was recited.
- d) A Public Hearing regarding a CSM & rezone petition from Ham-M and SFR-08 to HC (Heavy Commercial) submitted by Tom Schultz for mini storage units on lots 138, 141 and 143 of the Burke Assessor's plat #1 located at 6332 Portage Road and adjacent lands (parcel numbers 810-031-2321-4, 810-031-2108-3 and 0810-031-2353-6). Tom Schultz showed photos to the Board of his proposed fencing along Portage Road. He stated he is proposing two buildings to be enclosed by the fence. Viney inquired if he is planning to alter the current mini warehouse area. Schultz indicated no alterations to the current mini warehouse area.
- e) Public Concerns: Public's opportunity to speak to the Town Board about any subject that is not a specific agenda item. Ethan Flood showed the Board before and after pictures of his finished Eagle Scout project. He noted that he repaired and moved benches at the gate of the cemetery. He added that he sanded and repainted fence posts. He cleared brush along the fence so it can be mowed right up to the fence line. He stated that he would like to replace the cable along the fence line with his own funds. Viney indicated that the Town would be willing to pay for some or all of the cable and Flood should work it out with Town staff. Viney thanked him for a job well done and his work is much appreciated. Nimmow complimented him on a commendable job.

Truitt noted complaints from neighbors about two houses in the Ledges. One house on Fox Run and the other on Shiloh. Ayers indicated the Town does not have curb appeal rules. She further indicated there are ordinances for the length of grass and Dane County has looked into trashed or abandoned vehicles. Stieren stated that the landlord is cleaning up the activity on Fox Run. Ayers stated that nothing has been heard at the Town level.

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 September 18, 2019 Board meeting
- b) Approval of bills (payroll related disbursements #5020-5048 and bills #30216-30253) and September Cash on Hand report
- c) Operator's licenses – Marcus Nummerdor.

Motion: Truitt/Nimmow to remove the operator license application for Marcus Nummerdor from the consent agenda. Motion carried.

Motion: Truitt/Nimmow to approve the remainder of the consent agenda as presented. Motion carried.

Marcus Nummerdor introduced himself and acknowledged his criminal past but would like the chance to defend himself or answer any questions. He further stated he is trying to make his life better. Beeber introduced himself as owner of the Rodeside and stated he is also aware of Nummerdor's past. He acknowledged that Nummerdor currently is a bartender at the Rodeside. He stated that Nummerdor has shown responsibility and proven himself as a valued employee. Nummerdor indicated he has had operator licenses in other cities and does not have a drinking problem. He currently is on an 18 month probation. Stieren inquired as to the pending charge. Nummerdor indicated he is certain the pending charges will be dropped. He further indicated that he did not burglarize; someone stole a couple hundred dollars and left a note. It was all a misunderstanding. He stated that a trial has been set but knows it will be dismissed. Beeber noted they have been working with the police because Nummerdor was working at the Rodeside at the time of the burglary and also believes it will be dismissed. Truitt stated his concern of Nummerdor's long history of disobeying the law. He further stated his concern to enforce regulations for serving when one does not have a decent history of making wise decisions. Nummerdor indicated that he takes his job very seriously. Truitt noted his previous two OWIs and inability to recognize when a patron has had too much to drink. Berg inquired about his probation until November of 2019 and the amendment extending it for another year. Nummerdor stated he is awaiting completion of his alcohol class which may not be completed until early December. Nummerdor acknowledged he has made mistakes and knows he does not look good on paper. Stieren indicated he understands one is innocent until proven guilty and recommends Nummerdor wait until charges are cleared up. Ayers noted the Board needs to either grant or deny the operator's license. If the Board chooses to deny the license they can recommend he reapply after the charges are cleared up. She further stated it cannot be tabled. It is either a yes or no decision. Beeber inquired if denied could he resubmit another application. Ayers stated if the Board denies his application he would receive a letter stating he could request a reconsideration hearing at next month's meeting. She further stated he could resubmit another application any time in the future. Truitt indicated there is too much going on and would like to see more time between charges and applications. Beeber questioned other applicants that have been granted operator licenses with backgrounds. Truitt stated that each application is unique.

Motion: Truitt/Nimmow to deny operator license for Marcus Nummerdor for inability to exhibit good judgment in selling alcohol relating to recent history of OWIs . Motion carried.
Berg – nay

3) NEW BUSINESS

- a) Street opening permit submitted by Alliant Energy for the purpose of installing fiber optic cable to serve their facilities in the right-of-way along Nelson and Reiner Roads. Ayers indicated the issues have been resolved.

- b) 2020 AECOM contract for stormwater services relating to the Madison Area Stormwater Group Permit.

Motion: Berg/Stieren to approve the 2020 AECOM contract for stormwater services.
Motion carried.

- c) Contract for Assessment Services 2020-2022 with Accurate Appraisal, LLC. Ayes noted the schedule includes a revaluation. She further noted that funds have been set aside for a revaluation without levying the taxpayers.

Motion: Berg/Stieren to approve the contract for Assessment Services for the 2020-2022 with Accurate Appraisal, LLC. Motion carried.

- d) Public input at Board meeting policy. Ayers suggested looking into a meeting policy for public input after a recent meeting and public hearing where the public became unruly and the sheriff's office was called. After discussions with Town attorney and sheriff's office, she feels the need to be prepared in the future. Ayers referenced the memorandum from Town attorney and his recommendations.

Motion : Stieren/Truitt to authorize staff to come up with a policy for public input at Board meetings. Motion carried.

- e) 2020 Budget. Ayers referenced her memorandum and stated by no means are these final numbers. She is still working out some items and noted numbers in bold have been updated. She further indicated she was awaiting information on fire contract costs. She plans to attend the upcoming Fire District Meeting. She also is waiting on the chipping proposal from Barnes and expects their proposal within the next week. Barnes noted they have contracts with other municipalities and are excited for the possibility to get the business. Ayers indicated that she hopes the funds previously allocated for the $\frac{3}{4}$ position would be sufficient to cover the chipping proposal. She further indicated how hard chipping is on the public works staff and the potential for injury and feels fortunate there have been no claims. Viney inquired if health insurance is through the State. Ayers indicated yes. Ayers noted that the Waste Management contract is up in 2020 and next year will be preparing an RFP. She also noted that the Sheriff contract increased a couple thousand dollars over last year. Nimmow inquired if we are \$31,500 under budget for 2019. Ayers indicated we are currently \$31,500 under budget meaning a surplus for 2019. She indicated with drops in the the mil rate excess will be transferred into roads. She further indicated she is applying for as many grants as possible.

4) OLD/UNFINISHED BUSINESS

- a) None

- 5) CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WI STATUTE 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (for the purpose of discussing 2020 wages and salaries).

Motion: Berg/Stieren to convene in closed session pursuant to WI State Statute 19.85 (1) (c) Considering employment, promotion, compensation or performance evaluation data of any public employee over which the governmental body has jurisdiction or exercises responsibility (for the purpose of discussing 2020 wages and salaries). Stieren –aye, Truitt-aye, Viney-aye, Berg-aye and Nimmow-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.

Motion: Truitt/Nimmow to reconvene in open session. Motion carried.

- 7) POSSIBLE ACTION ON MATTERS DISCUSSED IN CLOSED SESSION.
Viney noted that the Board is interested in hearing more about the Barnes chipping proposal.

Motion: Truitt/Berg to approve a 2.6% increase for full time staff in 2020. Motion carried.

Ayers will make changes to the salaries and related items prior to the next meeting. Unless it is necessary to further discuss the budget after receiving the Barnes proposal the Board will not meet again until November 20.

- 8) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission. Has not met. It is possible that joint Public Hearing with the Town Board will be held on November 6.
- b) ETZ Committee. Nothing to report.
- c) Parks Commission. Nothing to report.
- d) NECC. Meeting on October 21 to approve the 2020 Budget. Truitt is unable to attend. He will report on the meeting next month.

- 9) NEXT MEETING DATE. Possible Public hearing regarding a CUP/budget meeting: Wednesday, November 6 at 5:30 p.m. Public Hearing regarding the budget, Special Meeting of the Electors and regular meeting Wednesday, November 20, 6 p.m. Ayers noted that at this time she is unsure if the Public Hearing on November 6 will be necessary.

- 10) ADJOURNMENT. Motion: Stieren to adjourn. Meeting adjourned at 7:46 p.m.

Teri Saxon
Deputy/Clerk Treasurer
Town of Burke
November 15, 2019