

**TOWN OF BURKE MEETING MINUTES
TUESDAY, April 21, 2020**

Immediately following the adjournment of the Annual Meeting which began at 6:00 p.m.

Board members in attendance: Chairman Viney, Supervisor Berg, Supervisor Nimmow, Supervisor Stieren and Supervisor Truitt. Also in attendance: Brenda Ayers, Administrator, Clerk/Treasurer; Chris Hughes, Town Attorney and Anne Anderson, Town Engineer. 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 Chairman Viney.
- c) The Pledge of Allegiance was recited.

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 February 19, 2020 Board meeting
- b) Approval of bills (payroll related disbursements #5173-5232 and bills #30417-30522) and December 2019, January-March 2020 Cash on Hand reports
- c) Operator's licenses- Lucille J. Laridoen, Kayla N. Thur and Rusty D. DeShaney.

Motion: Stieren/Berg to approve the consent agenda as presented. Motion carried.

3) NEW BUSINESS

- a) Extension of Manufacturers Drive (City of Madison) to Anderson Road (Town of Burke) and moving of United Rentals driveway due to the new Fed Ex facility on Hoepker Road
 - i) **CLOSED SESSION. THE TOWN BOARD WILL CONVENE INTO CLOSED SESSION PURSUANT TO WI STATUTE 19.85 (1) (e)** In order to deliberate and discuss an Intergovernmental Agreement with the City of Madison for maintenance of Anderson Road because competitive or bargaining reasons require a closed session.

Motion: Berg/Nimmow to convene in closed session pursuant to WI State Statute 19.85 (1) (e) In order to deliberate and discuss an Intergovernmental Agreement with the City of Madison for maintenance of Anderson Road because competitive or bargaining reasons require a closed session. Roll call vote: Nimmow-aye, Viney-aye, Berg-aye, Truitt-aye, Stieren-aye. Motion carried.

- ii) **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: Nimmow/Stieren to reconvene in Open Session. Motion carried.

- iii) Consideration of an Intergovernmental Agreement between the Town of Burke and City of Madison for maintenance of Anderson Road. Motion: Stieren/Berg to approve the IGA as presented with Town execution occurring after approval by the City. Motion carried.
 - iv) Introduction of a resolution to lay out a highway over Town lines and authorization to move forward with a public hearing on May 20. Motion: Truitt/Stieren to approve Resolution 04212020 To Initiate the Town Process to Approve the Connection of Manufacturers Drive and Anderson Road as presented. Motion carried.
 - v) Consideration of a Street Opening Permit submitted by Ruedebusch for creation of a right turn lane at the intersection of Anderson Road and US Highway 51. Motion: Berg/Stieren to approve the Street Opening permit with the following conditions: 1) plans and specs, traffic control plan and construction schedule shall be approved by the Town Engineer prior to starting construction 2) applicant pays the application fee and 3) applicant provides a \$10,000 bond to the Town. Motion carried.
 - vi) Consideration of a driveway permit submitted by Ruedebusch for moving the driveway at 4195 Anderson Rd (United Rentals). Motion: Truitt/Nimmow to approve the driveway permit for 4195 Anderson Road with the following conditions: 1) applicant pays the application fee and deposit and 2) abandonment of the existing driveway to Anderson Road. Motion carried.
 - vii) Consideration of a driveway permit submitted by Ruedebusch for work within the Anderson Road right-of-way prior to the adoption of the Highway Order. Motion: Truitt/Stieren to approve the driveway permit for work within Anderson Road right-of-way with the following conditions: 1) plans and specs, traffic control plan and construction schedule shall be approved by the Town Engineer prior to starting construction 2) applicant pays the application fee and deposit 3) driveway may be constructed but not used 4) applicant must barricade the driveway with barricades acceptable to the Town 5) driveway permit terminates once the IGA is fully executed and the Town adopts the highway order. Motion carried.
- b) Consideration of a request to amend the Future Land Use map in the Comprehensive Plan relating to the Sachs property, 3285 Nelson Road, from Natural Area to a residential use. Anne Anderson, Mead and Hunt explained the process outlined in the Professional Services Acknowledgment and stated that the change to the map is one more step to support the CSM which the Town previously approved. Motion: Stieren/Truitt to proceed with amending the Future Land Use map and to approve the Professional Services Acknowledgment provided by Mead & Hunt with an estimated cost of \$3,500. Motion carried.

- c) Consideration of a request for a one foot variance to the fence height requested by EDF Renewables on behalf of MG&E for the solar array project at the airport. Per Town Ordinances the maximum front yard height for a commercial property is 6 feet. The National Electrical Code (NEC) requires a 7 foot fence for security. Motion: Berg/Truitt to approve the one foot variance as requested.
- d) Discuss the 2020 Fire Protection bill from Northeast Dane County Fire Unit which exceeds the amount budgeted. Ayers reported that the bill is \$3,644 more than the amount she was given at the fall NEDCFU meeting. She further reported that when she inquired about the increase she was told by the NEDCFU Administrator that they were also shocked by the increase and credited it to a change in the Chief's budget. Ayers stated that she needs the Board's assistance in making NEDCFU more accountable. She also suggested that the Town negotiate a new contract with NEDCFU to include a specific costs or formula for assessing costs. Viney indicated that the Town's options for fire service are limited because other municipalities do not have tanker trucks and the majority of the Town does not have hydrants. Ayers stated that the City of Madison and Village of DeForest are going to have to provide service after 2036. Berg suggested that the Town contact the City and Village and find out their position on providing fire service to the Town. Ayers will invite NEDCFU representatives to the next meeting to discuss the increased charges.
- e) Consider authorizing staff to proceed with the purchase of a new plow truck. A spreadsheet showing the costs of a 2021 Peterbuilt, Western Star and International chassis and accessory package (purchased separately from Burke Truck) was included in the packet. Motion: Stieren/Berg to authorize staff to proceed with the purchase of a new plow truck. Motion carried.
- f) Approval of the 2019 Audit Report. Ayers noted that a copy of the audit was provided in the meeting packet. She further stated no issues were identified in the audit. Motion: Truitt/Stieren to approve the audit as presented. Motion carried.
- g) Update on the Acker Road project. Anderson reported that the project has gone out for bids and the bid opening is scheduled for April 27. To date, there are 16 plan holders 8 of which are prime contractors. The bid tab will be provided to the Board on May 20 for consideration.
- h) Consider an amendment to Section 7-1-8 (a) of the Licensing of Dogs and Regulation of Animals section of the Town Ordinance. Truitt stated that he was contacted by a couple of residents regarding the current at-large ordinance which considers to be running at-large if it is "off the premises of its owner and not under the control of the owner or some other person." One resident reported that a dog was in their garage and when the authorities were contacted no citations were issued because the owner was able to get the dog off the property. Truitt suggested requiring dogs to be leashed and under control might make the ordinance more enforceable. Berg noted that he consulted with a vet and she indicated that most pet owners are in denial about their pet's ability to cause harm especially when more than one animal is involved. She also noted that having a dog off

leash is not safe for the dog(s) either. Ayers will review ordinances from neighboring municipalities and provide suggested revisions to the current ordinance.

- i) A petition for attachment to the City of Madison submitted by Cherokee Park, Inc. for property located off Wheeler Road and North Sherman Ave (parcels 0810-192-9001-0, 0810-192-9543-0 and 0810-192-9110-1). On agenda for informational purposes only- no action is to be taken.

4) OLD/UNFINISHED BUSINESS

- a) None

5) COMMITTEE REPORTS (AS APPLICABLE)

- a) Plan Commission. No report.
- b) ETZ Committee. No report.
- c) Parks Commission. Stieren reported that Public Works staff will visit all parks to assess items that need to be addressed.
- d) NECC. Truitt reported that court is closed until June.

- 6) Public Input: Public's opportunity to speak to the Town Board about any subject that **is not a specific agenda item.** None.

- 7) NEXT MEETING DATE. Wednesday, May 20, 6:00 p.m.

- 8) ADJOURNMENT. Motion: Nimmow/Stieren to adjourn. Meeting adjourned at 7:52 p.m.

Brenda Ayers
Administrator/Clerk/Treasurer
Town of Burke
May 5, 2020