**TOWN OF BURKE BOARD MINUTES**

Tuesday, April 19, 2022 following Annual Meeting of Town Electors

5365 Reiner Rd., Madison WI 53718

**ADMINISTRATIVE**

It was determined a quorum was present and the meeting was properly posted. The meeting began immediately following the annual Town meeting at 6:24 p.m.

Attendance: Chairman Kevin Viney, Supervisors Steve Berg, Jeff Stieren, Chris Truitt and Lisa Rubrich.

Also in attendance: Attorney Chris Hughes, Administrator/Clerk/Treasurer PJ Lentz, Deputy Treasurer/Clerk Elissa Friedl, and Public Works Lead Ron Kurt.

Others in attendance: Laura Hoepker, Terri Hoepker, Robert Procter, Zac Brumm, Manjesh Agrawal, Krystal Baron, Michael Vraniak, Jean Touchett, Jean Armendariz-Kerr, Gary Hebl and others.

**PUBLIC INPUT**

Chairman Viney moved to reorder the agenda to move the public input section of the meeting to the beginning of the agenda. Motion was seconded by Sup. Rubrich. **Motion carried.**

Laura and Terri Hoepker and their realtor, Jean Armendariz-Kerr, were present to address the Town Board regarding property at the corner of Hoepker and Rattmann. Ms. Armendariz-Kerr indicated the family has an accepted offer on the property. She acknowledged the property is within the protected zone but would like the Town to consider making an exception and indicated the City of Sun Prairie is open to early attachment of this area. She said the developer purchasing the property intends to build 150 units of luxury two-story town homes. Chairman Viney indicated staff and the Town’s legal counsel will review the boundary agreement and get back to the Hoepker family.

A resident addressed the Town Board regarding the neighborhood park in Stony Ridge Subdivision. She would like to remove the joint responsibility for park upkeep from the title of her home and would like someone from the Town to check into this and get back to her.

**CONSENT AGENDA**

* Minutes of March 23, 2022
* Bills and Payroll
* Appoint Ron Kurt as Weed Commissioner for term of May 1, 2022-April 30, 2023

Motion to approve by Sup. Truitt, seconded by Sup. Rubrich. **Motion carried.**

**PUBLIC HEARING**

Public hearing regarding a Certified Survey Map (CSM) application submitted by Agrawal Living Trust for parcel 0810-252-8470-0 located at 3393 Burke Rd. Hearing was properly noticed in WI State Journal March 28 and April 4, 2022 and notice was mailed to parcel owners within 600 feet. Chairman Viney opened the public hearing at 6:45 p.m. Atty. Gary Hebl, representing the applicant, indicated the CSM splits the property into two parcels with one being the residence and the other a church. With no other members of the public coming forward to speak, Chairman Viney closed the public hearing at 6:48 p.m.

**NEW BUSINESS**

**Resolution 04192022A Approval of CSM application submitted by Agrawal Living Trust for parcel 0810-252-8470-0 located at 3393 Burke Road.** Sup. Berg moved for adoption of resolution 04192022A to approve the CSM application for parcel 0810-252-8470-0, 3393 Burke Road with the conditions that the property owner do the following: obtain approval of the CSM from Dane County and the City of Madison; obtain a Town of Burke driveway permit for Lot 2; establish a joint well agreement for Lots 1 and 2; and pay in full any outstanding charges incurred in the review and action on the CSM by June 30, 2022. If the conditions are not met, the approval of the CSM shall be null and void. Motion was seconded by Sup. Stieren. **Motion carried.**

**Discuss possible rezone at 4301 Acker Road from Heavy Commercial to Manufacturing Industrial, appearance by Atty. Robert Procter for Zachary Brumm (ZB Salvage & Recycling).** Attorney Procter indicated the property owner has not filed applications yet but wanted an initial discussion about what potential issues could come up during the application process. Atty. Procter indicated Mr. Brumm has purchased the property at 4301 Acker Road with intent to move his business that currently operates about two blocks away. The business recycles items off of vehicles and the remainder of the vehicle is taken to a salvage yard. The business can process up to 100 vehicles a week. The intent with the new location is largely the same business but also store some vehicles on site and sell certain types of parts on the internet. The changes would require a change in zoning according to Dane County. Brumm indicated he has already cleaned up the lot significantly since he purchased it and provided a photo of the type of fence he would like to install to shield the site and indicated recycling takes place indoors to minimize sound. Members of the Board inquired about the length of time vehicles are stored, how liquids from the vehicles are handled and what type of driveway approach would be used. Brumm and Atty. Procter answered the questions and indicated that if they move forward with a rezoning request, they will specifically address these concerns in the proposal. **No action taken.**

**Resolution 04192022B Designating Public Depository DMB Community Bank.** Sup. Berg moved to adopt resolution 04192022B, seconded by Sup. Stieren. **Motion carried.**

**Resolution 04192022C to Claim Standard Allowance for Revenue Loss Calculation for ARPA Funds.**

Sup. Berg moved to adopt resolution 04192022C, seconded by Sup. Stieren. **Motion carried.**

**Street Use Permit Request from Token Creek Lions for July 4, 2022 parade.** Sup. Stieren moved to approve the permit for Token Creek Lions for July 4, 2022, seconded by Sup. Berg. **Motion carried.**

**2022-23 Board Member Committee Appointments**

Current assignments are: ARPA Committee - Berg, Stieren; DeForest/Burke ETZA - Berg, Rubrich; NE Community Court - Truitt; Parks Commission - Rubrich, Stieren; Personnel Committee - Full Town Board;

Plan Commission – Berg.

**Conference/Community Room/Shelter Rental and cleaning services**

Administrator Lentz reported there has been no interest in the part-time parks position but requests are coming in for rentals of both the shelter and community room. She obtained quotes from cleaning companies. One company in the area is willing to clean the room/kitchen as well as public restrooms and the shelter on the weekends for $220 weekly. Lentz suggested rental revenue go to paying cleaning costs and presented a draft rental agreement for the room with fees for small events, large events, business meetings and an annual use fee for local HOAs/groups. Ron Kurt expressed concern over parking availability if rentals are resumed. Chairman Viney expressed concern over the cost on weeks where there are no rentals and suggested resident and non-resident fees. Sup. Truitt stated he agrees with charging more for parties and a lower fee for business meetings/educational use. Sup. Rubrich suggested the rental fee equals the cleaning fee and inquired about the cost to replace the carpet with vinyl. Further information will be brought to a future meeting.

**PUBLIC INPUT**

Jean Touchett was present to address the Town Board regarding her lack of access to her lot in Hoffman Acres. She asked if the plat can be redone to remove the easement so she can have a driveway on Rattmann Rd. Staff will review the information and make contact with the property owner.

**LICENSING HEARING**

**Town Board hearing regarding reconsideration of denial of application of Krystal J. Baron for an operator license**

Ms. Baron was present to request reconsideration of the Town Board’s denial of her application for an operator license to work at Seminary Springs. She briefly discussed the results of her background check with the Town Board.

**CLOSED SESSION**

Closed session pursuant to Wis. Stats. 19.85(1)(a) Deliberating concerning a case which was the subject of any judicial or quasi-judicial trial or hearing before that governmental body to deliberate the reconsideration of the Town Board’s denial of an operator license for Krystal J. Baron and closed session pursuant to Wis. Stats. 19.85(1)(g) to confer with legal counsel for the Town who is rendering oral or written advice concerning strategy to be adopted by the body with respect to litigation challenging a decision of the Office of the Commissioner of Railroads regarding railroad crossing at Nelson Road.

Sup. Truitt moved to convene into closed session at 7:58 p.m., seconded by Sup. Stieren and carried by unanimous roll call vote. Present in closed session were: Chairman Kevin Viney, Supervisors Steve Berg, Jeff Stieren, Chris Truitt and Lisa Rubrich as well as Attorney Chris Hughes, Administrator/Clerk/Treasurer PJ Lentz and Deputy Treasurer/Clerk Elissa Friedl.

Sup. Truitt moved to return to open session at 8:25 p.m., seconded by Sup. Rubrich and carried by unanimous voice vote.

**ACTION ON CLOSED SESSION MATTERS**

**Office of the Commissioner of Railroads (OCR) regarding railroad crossing at Nelson Road**

Sup. Rubrich moved to authorize the Town Chairman and Town Administrator to sign the proposed settlement agreement with the Office of the Commissioner of Railroads (OCR) as presented as well as to include the requested amendment by OCR to item #10. Motion was seconded by Sup. Truitt. **Motion carried.**

**Reconsideration of Town Board’s denial of an operator license for Krystal J. Baron**

Sup. Stieren moved to reconsider and approve issuance of an operator license to Krystal J. Baron, seconded by Sup. Berg. **Motion carried.**

**REPORTS**

Plan Commission – No meeting in April, will meet in May

Parks Commission – Went to Conservancy Park, follow up to come

Clerk’s Department Report & Financials and Public Works Report – No comments

ETZ Committee – No recent/upcoming meetings

NECC – No recent/upcoming meetings

**NEXT MEETING DATE**

May 18, 2022, 6:00 p.m.

**ADJOURNMENT**

Motion by Sup. Stieren to adjourn at 8:37 p.m.

Approved:

PJ Lentz, Administrator Clerk Treasurer