

**TOWN OF BURKE
TOWN BOARD MINUTES**

Wednesday, September 21, 2022, immediately following public hearing
5365 Reiner Rd., Madison WI 53718

ADMINISTRATIVE

It was determined a quorum was present and the meeting was properly posted. The meeting began at 5:47 p.m. Attendance: Chairman Kevin Viney, Supervisors Jeff Stieren, Steve Berg, and Lisa Rubrich. Absent: Chris Truitt. Also in attendance: Administrator/Clerk/Treasurer PJ Lentz, Deputy Treasurer/Clerk Elissa Friedl and Public Works Lead Ron Kurt.

Others in attendance: Sandra Jensen, Stacey Jensen, Mark Orvick, John Meyers, Marcia Meyers, Natalie Aumann, Garrick Palay, Paul Wagner, Judd Blau of Village of DeForest, Steve Buss of Likewise Partners, Joe Spair of Pellitteri and other members of the public.

PUBLIC INPUT - None

CONSENT AGENDA

- Minutes of August 17, 2022
- Bills and Payroll
- Application for change of agent Kwik Trip #673, 6325 Pepsi Way, Windsor to Amy E. Cook
- Application for operator's license for Marilyn J. Anderson for VFW Post 8483

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

NEW BUSINESS

Resolution 09212022B Conditionally Approving 2-lot CSM for Mark Orvick, 5978 Portage Road to create 2.80-acre residential parcel and 37.55-acre lot, separating family home from farmed acreage. Motion by Sup. Stieren to adopt Resolution 09212022B to approve the certified survey map submitted by Mark Orvick at 5978 Portage Road with the following condition: Orvick obtain approval of the CSM from Dane County and City of Madison and if this condition is not fulfilled or waived by the Town Board by December 31, 2022 the CSM shall be null and void. Motion seconded by Sup. Rubrich. **Motion carried.**

Resolution 09212022C Conditionally Approving a Rezone for Mark Orvick at 5978 Portage Road amending the existing RM-16 to RR-2 for the 2.80-acre residential parcel.

Motion by Sup. Berg to adopt Resolution 09212022C conditionally approving the rezone at 5978 Portage Road from RM-16 to RR-2 with the following condition: Orvick obtain approval of the rezone from Dane County and City of Madison and if this condition is not fulfilled or waived by the Town Board by December 31, 2022 the approval shall be null and void. Motion seconded by Sup. Stieren. **Motion carried.**

Resolution 09212022D Conditionally Approving 3-lot CSM for Sandra and Stacey Jensen, 3180 Burke Road to create 1.324-acre and 1.369-acre residential lots leaving 16.282-acre parcel with existing home Motion by Sup. Rubrich adopt Resolution 09212022D to approve the certified survey map submitted by the Jensen family at 3180 Burke Road with the following condition: Jensen obtain approval of the CSM from Dane County and City of Madison and if this condition is not fulfilled or waived by the Town Board by December 31, 2022 the approval shall be null and void. Motion seconded by Sup. Berg. **Motion carried.**

Resolution 09212022E Conditionally Approving a Rezone for Sandra Jensen and Stacey Jensen at 3180 Burke Road amending the existing RM-16 to RR-1 for the two new residential parcels.

Motion by Sup. Berg to adopt Resolution 09212022E conditionally approving rezone of 1.324-acre parcel and the 1.369-acre parcel from RM-16 to RR-1 with the following condition: Jensen obtain approval of the rezone from Dane County and City of Madison and if this condition is not fulfilled or waived by the Town Board by

December 31, 2022 the approval shall be null and void. Motion seconded by Sup. Stieren. **Motion carried.**

Request for attachment of 30+acres at 4410 Daentl Road by Village of DeForest and Likewise Partners for Industrial Development

Steve Buss of Likewise Partners explained his firm is planning an industrial park that would require extension of utilities to the property. Judd Blau of Village of DeForest said annexing the property could streamline coordination of the CARPC process. Viney indicated a plan would need to be discussed and would typically include a revenue sharing component. He said there are also some issues that would need to be worked out regarding Daentl Road. Blau will take that back to DeForest Village Board.

Proposed purchase of vacant parcel 0810-353-0055-2 to divide and attach to currently owned 4873 and 4879 Felland Road by Phillip Steele

Administrator Lentz indicated this proposal was withdrawn.

Hire Randall Krause as Public Works Patrolman

Motion to approve the hire by Sup. Berg, seconded by Sup. Rubrich. Administrator Lentz indicated the planned start date is September 26. **Motion carried.**

Appointment to the Town of Burke Parks Commission

Motion to appoint Beth Butler, Paul Wagner, Gary Richards, Kaitlin Ripley, Dustin Schmidt, and Marie Belliveau to the Parks Commission by Sup. Berg, seconded by Sup. Stieren. **Motion carried.**

Appointment of Skip (Roland) Kraiss to Town of Burke Plan Commission

Motion to appoint Skip Kraiss to the Plan Commission to replace Bob Shanahan by Sup. Stieren, seconded by Sup. Rubrich. **Motion carried.**

Pellitteri Option to Extend Contract from 5 years to 10 years

Administrator Lentz explained that when the RFP for garbage and recycling services was done last year, the Town Board decided to go with a five-year contract but Pellitteri offers the ability to change to a ten-year contract at any point in the first 18 months. Joe Spair of Pellitteri indicated the savings during the remainder of the original five-year term by going with the ten-year rates would be approximately \$83,000. Viney inquired if Pellitteri would consider offering a rate plan for 14 years through the Town of Burke's final year. Spair said if the extension to ten years is approved, he can inquire about the remaining four years. Motion by Sup. Stieren to extend the Pellitteri contract from five years to ten years, seconded by Sup. Berg. **Motion carried.**

Motion by Chairman Viney, seconded by Sup. Berg to reorder agenda and address Old Business and Reports at this time. Motion carried.

OLD BUSINESS

Amendment to JAD Land Developer Agreement

Motion by Chairman Viney to table this item to October's meeting so Mr. Wood may attend, seconded by Sup. Berg. **Motion carried.**

Public Works Seasonal Hours

Administrator Lentz indicated the seasonal hours plan coincides with the new handbook requiring coverage in each department during the week. During the four ten-hour day schedule, it requires employees alternate Mondays and Fridays off resulting in a four-day weekend twice per month. When the employee has a four-day weekend they are not on call, but on their two-day weekend they are on call. Motion by Chairman Viney to approve the seasonal hours as presented, seconded by Sup. Rubrich. **Motion carried.**

Community Room Floor: Carpet Removal and Epoxy

Administrator Lentz reported that the flooring project will likely not be able to be completed by the November election. The goal is to complete the carpet removal and flooring between November 9 and December 1.

Parks Commission Recommendations

Sup. Rubrich provided an update on items discussed by the Parks Commission recently. The Commission is requesting five benches (three at Ledges, two at Oak Ridge) at \$475 each; Burke Park two 8' benches at \$1120 each; four signs (Foxmoor Hills, Burke Conservancy, Oak Ridge, Sunburst) at \$170 each. The total request is \$6,000 total to include parts for the signs, concrete for the benches and shipping costs. The Parks Commission also requested repair or replacement of Rattmann Heights shelter and approval to test two ponds to see if dredging is needed. Resident Paul Wagner indicated he received an updated price quote for trees in the parks from Jung totaling \$1,151 and expressed concern over the shelter roof and water level of the pond in Rattmann Heights Park. Motion by Sup. Rubrich, seconded by Sup. Berg to approve purchasing the benches, tables and signs as presented and transfer \$6,000 from Parks Reserve to cover the cost. **Motion carried.**

REPORTS

Plan Commission: Sup. Berg reported the Comprehensive Plan Update is due by year-end 2023 and that Skip Kraiss is interested in the vacant role of Chairperson. Chairman Viney appointed Kraiss Chairperson.

Parks Commission: Park Commission requests already addressed this meeting; no further update.

ARPA Committee: No update.

ETZ Committee: Sup. Berg indicated there is an upcoming meeting in October.

NECC: Administrator Lentz indicated she heard there may be another community joining NECC and she will check with Westport to see when the NECC budget meeting will be held.

Administrator and Public Works reports: Written reports were presented to the Town Board.

NEW BUSINESS

Parks Commission appointments

Motion by Sup. Rubrich, seconded by Chairman Viney to appoint Natalie Aumann to the Parks Commission.

Motion carried.

Plan Commission appointments

Motion by Chairman Viney, seconded by Sup. Berg to appoint Garrick Palay to the Plan Commission.

Motion carried.

Resolution 09212022A Designating Public Depository Heartland Credit Union to invest \$250,000 at 3%

Motion by Chairman Viney to adopt Resolution 09212022A designating Heartland Credit Union as a public depository for the Town, seconded by Sup. Stieren. **Motion carried.**

2023 Draft Budget – Initial Review

Administrator Lentz presented a preliminary draft of the 2023 budget as well as road construction estimates through 2036 for future capital planning. The Town Board will hold a special meeting October 12 to review an updated draft and have further discussion regarding the budget.

NEXT MEETING DATE

October 12, 2022 (Special Budget Session), October 19, 2022 (Regular Meeting)

ADJOURNMENT

Motion by Sup. Stieren to adjourn at 8:05 p.m.

TOWN OF BURKE
TOWN BOARD PUBLIC HEARING MINUTES
Wednesday, September 21, 2022, 5:30 p.m. and 5:45 p.m.
5365 Reiner Rd., Madison WI 53718

ADMINISTRATIVE

Chairman Viney called the meeting to order at 5:30 p.m.

Attendance: Chairman Kevin Viney, Supervisors Jeff Stieren, Steve Berg, and Lisa Rubrich. Absent: Chris Truitt. Also in attendance: Administrator/Clerk/Treasurer PJ Lentz and Deputy Treasurer/Clerk Elissa Friedl.

PUBLIC HEARING 5:30 PM

Public hearing to consider a two-lot certified survey map (CSM) and rezone submitted by owner Mark Orvick for property located at 5978 Portage Road (parcel number 0810-102-9000-2). The purpose of the public hearing is to accept public comments on the proposed CSM and rezoning application.

Chairman Viney called the public hearing to order at 5:30 p.m. Others present: Plan Commissioner Lindsey Slack, Mark Orvick and other members of the public. Viney noted the hearing was properly noticed in the Wisconsin State Journal and notice mailed to property owners within 600 feet of the property/lot line. No public comments were made but the hearing was held open for a few moments as people were still entering the building. The public hearing was closed at 5:35 p.m.

PUBLIC HEARING 5:45 PM

Public hearing to consider a three-lot certified survey map (CSM) and rezone submitted by owner Sandra Jensen and Stacey Jensen to create two residential lots (#2 & #3) and retaining Lot #1 with 16.28 acres. Property located at 3180 Burke Road (parcel number 0810-244-9815-0). The purpose of the public hearing is to accept public comments on the proposed CSM and rezoning application.

Chairman Viney called the public hearing to order at 5:45 p.m. Others present: Sandra Jensen, Stacey Jensen, Mark Orvick, John Meyers and Marcia Meyers. Viney noted the hearing was properly noticed in the Wisconsin State Journal and notice mailed to property owners within 600 feet of the property/lot line. Sandra Jensen stated the purpose of the application is to allow her daughter and granddaughter to live next to her. No other public comments were made and the public hearing was closed at 5:46 p.m.

ADJOURNMENT

Chairman Viney adjourned the public hearing meeting at 5:46 p.m.

Approved:
PJ Lentz, Administrator Clerk Treasurer

TOWN BOARD ACTION REPORT – REZONE

Regarding Petition # 11894

Dane County Zoning & Land Regulation Committee Public Hearing Date 10/25/2022

Whereas, the Town Board of the Town of Burke having considered said zoning petition,

be it therefore resolved that said petition is hereby (check one): Approved Denied Postponed

Town Planning Commission Vote: 5 in favor 0 opposed 0 abstained

Town Board Vote: 4 in favor 0 opposed 0 abstained

THE PETITION IS SUBJECT TO THE FOLLOWING CONDITION(S) (Check all appropriate boxes):

- 1. Deed restriction limiting use(s) in the _____ zoning district to **only** the following:

- 2. Deed restrict the balance of A-1 EX Agricultural Exclusive zoned land owned by the applicant from the original farm (as of date specified in the Town Plan) prohibiting non-farm development. Please provide property description, or tax parcel number(s):

- 3. Deed restrict the applicant's property described below prohibiting division. Please provide property description, or tax parcel number(s):

- 4. Condition that the applicant must record a *Notice Document* which states all residential development units (a.k.a. splits) have been exhausted on the property, and further residential development is prohibited under Town & County Land Use Planning policies. Please provide property description, or tax parcel number(s):

- 5. Other Condition(s). Please specify:
 - 1) Sandra Jensen and Stacey Jensen obtaining approval of the Rezone from Dane County and the City of Madison; and
 - 2) In the event all the conditions of approval are not fulfilled or waived by the Town Board by December 31, 2022, the approval of the Rezone shall be automatically null and void.

Please note: The following space is reserved for comment by the minority voter(s), **OR**, for the Town to explain its approval if the decision does not comply with the relevant provisions of the Town Plan.

I, PJ Lentz, as Town Clerk of the Town of Burke, County of Dane, hereby certify that the above resolution was adopted in a lawful meeting of the Town Board on 9/21/2022

Town Clerk PJ Lentz Date: 9/22/2022