

Draft MINUTES

Capital Area Regional Planning Commission

June 9, 2011

City-County Building Rm 351, 210 MLK Jr Blvd, Madison WI

7:00 p.m.

Present: Jeff Baylis, Zach Brandon, Curt Brink, Martha Gibson, Eric Hohol, John Imes, Jason Kramar, Peter McKeever, Ed Minihan, Larry Palm, Susan Studz, Caryl Terrell

Absent: Kurt Sonnentag

Staff Present: Chris Gjestson, Jason Granberg, Dan McAuliffe, Kamran Mesbah, Mike Rupiper, Steve Steinhoff, Barbara Weber; Attorney John St. Peter

1. Roll Call

Vice-Chair Palm took the Chair and called the meeting to order at 7:00 p.m.; roll was recorded. He welcomed Mr. Kramar as an appointee from the Dane County Cities and Villages Association. Mr. Mesbah introduced Dan McAuliffe as the staff Urban Designer-Planner.

2. Approval of minutes of the May 12, 2011 meeting

Moved by Ms. Terrell, seconded by Mr. Imes, to approve the minutes of the May 12, 2011 meeting; motion carried unanimously on voice vote.

3. Review of agenda

Mr. Palm suggested items which may require assistance by Attorney St. Peter should be addressed first; there were no objections to taking up item #9 after #7.

4. Public comment for items not designated for Public Hearing

Jon Becker, representing CRANES, requested CARPC to ask local communities to not submit USA amendments until all FUDA planning is complete, or consider placing condition of approval that are contingent upon final review of the communities final FUDA plan.

Deane Baker, Director of Public Works, Village of DeForest, 621 Acker Pkwy, DeForest, described a pending Northern USA amendment request to extend sewer to the Club 51 establishment, immediately adjacent to the current USA. The request was being made in order to replace the current septic system which was non-compliant with health regulations. The parcel for the amendment was around 1 acre.

5. New business

None.

6. Report and discussion on FUDA planning process

Mr. Steinhoff reported on the FUDA planning process, which continued in the North Mendota and DeForest-Windsor areas. (Ms. Gibson arrived.) He referred to a written update provided at members' places ("FUDA Update to CARPC Commissioners", Thursday, June 9, 2011). A meeting of the Policies & Criteria Advisory Group was to be scheduled soon, which was to serve as the FUDA advisory committee. All HUD grant staff had been hired, which enabled FUDA planning to occur as expeditiously as possible. All consortia MOU's had been signed and received except for three; two were pending, and M&I Bank was not able to execute the agreement. He described upcoming meetings and invited commissioners to attend. He made a PowerPoint presentation and answered questions from commissioners.

7. Consideration of Stoughton USA Amendment in the City of Stoughton and Town of Rutland: Resolution CARPC No. 2011-5 amending the *Dane County Land Use and Transportation Plan and Dane County Water Quality Plan*

Mr. Mesbah summarized the proposal, for which a public hearing was held at the March meeting when action was postponed for 90 days. He stated that the water quality issues raised at the hearing concerned the use of pumps to mitigate emergency stormwater overflow, and impact on the wetland. He described the success of pumping for infiltration in the region and around the country; he referred to the analysis of the wetland provided in the meeting materials, which indicated the wetland was extremely degraded and confirmed the proposed conditions and recommendations of the staff analysis of the amendment proposal. Ms. Terrell asked for confirmation that wetland restoration was included among the conditions and recommendations; Mr. Mesbah confirmed that recommendation #1 of the cover sheet proposed that the City work with the developer to develop and implement a wetland restoration plan. Discussion continued.

Mr. McKeever asked what staff meant by the term “restoration”, Mr. Granberg stated that it generally meant restoration of a degraded resource to a more functional state, although some scientists applied the term “rehabilitation” in reference to bringing an ecosystem back to a healthier state, not necessarily to a pristine, pre-settlement state. (Mr. Brandon arrived.) Mr. McKeever suggested recommendation #1 should be changed to a condition of approval, considering its similarity to condition “f” and the importance of the role of the wetland in water quality. Mr. Mesbah stated that condition “f” referenced stormwater quality, while recommendation 1 referenced vegetation; Mr. McKeever stated that the proposed recommendation was appropriate as a condition due to the importance of the role of the wetland vegetation in maintaining and enhancing water quality. Staff responded to questions.

Motion by Mr. Brink, second by Mr. Brandon, to adopt Resolution CARPC No. 2011-5 with the conditions and recommendations in the cover sheet. Motion by Mr. McKeever, second by Ms. Terrell, to amend the motion by changing recommendation #1 to a condition of approval, and to change “restoration” to “rehabilitation.” Discussion followed. Motion to amend carried on voice vote.

Members asked questions of Mayor Olson. Mr. McKeever stated that his support for the proposal presumed the City and Town continued discussions in good faith. Discussion continued. Ms. Gibson expressed opposition to the proposal based on a history of a lack of good faith efforts by the City to discuss with surrounding towns. Mr. Minihan expressed opposition to the proposal, based on it being developer-driven and the hasty nature of its preparation, which resulted in a poor stormwater treatment plan. Denial would allow the City to come back with a better plan that didn’t send stormwater downstream. Ms. Studz asked for explanation of the issues with the area being a closed basin; Mr. Mesbah stated that runoff would not flow to the Yahara River, unless the infiltration areas in the amendment area failed and, even then, only while the infiltration practices are being repaired. Discussion continued. Mr. Baylis asked about potential impacts on the kettle wetland from increased road salt loads from development; Mr. Mesbah stated that increased salt concentration in surface and ground water is an on-going issue in the state. He reminded the Commission that its decisions on amendments to the Water Quality Plan need to be consistent with state water quality standards, and that there is no saltwater standard in current stormwater regulations. Mr. Brandon asked legal counsel on what basis the Commission could consider amendment requests; Mr. St. Peter answered that while issues such as intergovernmental agreements were important matters for the Commission to pursue, decisions on amendments must be based solely on water quality standards.

Motion as amended carried 8-4 on roll call vote (Baylis, Gibson, Minihan and Terrell voting no).

9. Consideration of Recommending a Draft 2012 Budget to CARPC Budget & Personnel Panel

Mr. Gjestson described the draft budget as based on the 2010 adopted budget, except that it did not provide for filling the Executive Director vacancy due to insufficient funding. County revenue was based on certifying an amount based on 0.17 mills of equalized assessed valuation, which was required to continue current staffing and work levels. County revenue in previous budgets was lower due to the use of CARPC reserve funds as a revenue source; those funds were no longer available. He referred to the agenda item cover sheet which described potential areas which could be considered for cuts; the certified charge would be considered in July. He noted that the draft did not include a revenue amount for new fees, although a line item was added for CARPC discussion.

Mr. Minihan expressed support for initiating fees for the review of USA amendments; Mr. Baylis agreed. Mr. Brandon reminded members that applicant local governments would be paying the fees using property tax dollars. Discussion continued. Ms. Gibson encouraged members to speak with their appointing authorities to discuss fees.

Mr. Hohol expressed concern for requiring local governments to pay a fee for the review of a sewer service area amendment without certainty of approval; Mr. Minihan expressed support for fees for review of amendments regardless of approval, and cited fees charged for building permits and zoning change requests as comparable examples of other practices. Discussion continued.

Motion by Ms. Terrell, second by Mr. McKeever, to recommend the draft budget to the Panel. Discussion continued on how the potential implementation of sewer service area amendment fees may be reflected in the budget. Mr. St. Peter stated that because fees may only be charged for the actual costs incurred, the fee should be based on the review of an application and not on its approval. Mr. Brandon suggested the body move forward with the proposed draft, but include an expression of interest to pursue fees if the Panel agrees to them. Motion by Mr. Brandon, second by Mr. Baylis, to amend the motion by recommending that the Panel consider the addition of fee revenue for the review of Sewer Service Area amendment applications based on proposed developable acres. Motion to amend carried on voice vote; main motion carried unanimously on voice vote. (Messrs. Brandon, Imes and St. Peter left the meeting.)

8. Consideration of Resolution CARPC No. 2011-9 amending the *Dane County Water Quality Plan* by updating *Appendix D: Urban Non-point Source Analysis*

Mr. Rupiper described the changes to the draft; the public hearing had been held at the May meeting. Motion by Ms. Gibson, second by Ms. Terrell, to adopt Resolution CARPC No. 2011-9. Ms. Terrell stated that the adopting Resolution included "including all of its recommendations" and described the importance of implementation. Motion carried unanimously on voice vote.

10. Consideration of designating furlough days in 2011

Motion by Mr. McKeever, second by Mr. Baylis, to designate July 1, September 2, November 23 and December 23 as furlough days; motion carried unanimously on voice vote.

11. Introduction of Resolution CARPC No. 2011-13 amending the CARPC Bylaws to make unnecessary the regular “New business” agenda item (to be considered at the July 14 meeting)

Mr. Palm introduced the item for consideration at the July meeting.

12. Discussion of content and presentation of CARPC staff analysis reports on USA/LSA amendment requests, including consideration of amending current process to allow for staff presentations on USA amendment requests one month prior to public hearing

Mr. Palm stated that without objection, going forward staff would report on proposals one month before the public hearing.

13. Schedule the Election of Chair

Ms. Gibson suggested that given new membership, it would be appropriate to wait until September to conduct the election; Mr. McKeever agreed, and suggested the body discuss the role of the Chair. Mr. Palm suggested the discussion be held at the July meeting.

14. Approval of June disbursements and Treasurer’s Report for May 2011

Mr. Gjestson noted that the voucher bill numbers 2 and 3 were revised to indicate estimated amounts of \$400 and \$300, respectively, and number 7 was revised to \$1,365. Motion by Mr. McKeever, seconded by Ms. Studz, to approve the June disbursements (in the total amount of \$86,331.72) and May Report contingent upon signature of the Treasurer; motion carried on voice vote (Ms. Terrell abstained).

15. Communications

Two items were provided at commissioners’ places: 1) staff FUDA update regarding agenda item #6; and 2) letter from City of Stoughton regarding agenda item #7.

16. Report of Chair/Discussion

Mr. Palm stated that a discussion of the Retreat should be held at a later date once membership is relatively settled.

17. Report of Deputy Director / Discussion

Mr. Mesbah reported on forthcoming and potential USA/LSA amendment requests from the Village of DeForest (“Club 51” parcel addition), Town of Albion, Town of Windsor (“Bear Tree” area), and City of Stoughton (CTH B and SHW 51), and two proposals in preliminary stage by the Village of Black Earth and Village of Brooklyn. He noted that staff would report on any other potential amendment requests.

18. Future Agenda Items

Mr. Palm noted that the July meeting would include consideration of the “Club 51” amendment, a ten-minute video on Calthorpe presentation on Envision Utah, and discussion of role of the Chair.

19. Adjournment

Moved by Ms. Gibson, seconded by Mr. Kramar, to adjourn; motion carried at 9:45 p.m.

Recorded by Chris Gjestson