

# MINUTES

## Capital Area Regional Planning Commission

October 25, 2007

Fitchburg Community Center, 5520 Lacy Rd, Fitchburg

5:00 p.m.

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Present: Zach Brandon, Joe Chase, Kristine Euclide, Martha Gibson, Kris Hampton\*, Sally Kefer, Harold Krantz, Jeff Miller, Anne Sayers

Absent: Carlton Hamre, George Kamperschroer, Larry Palm, Kurt Sonnentag

Staff Present: Chris Gjestson, Mike Kakuska, Michael King, Kamran Mesbah

\* arrived late

### 1. Roll Call

Interim Chair Miller called the meeting to order at 5:05 p.m.

### 2. Approval of minutes of the October 11, 2007 meeting

Moved by Mr. Chase, seconded by Mr. Krantz, to approve the minutes of the October 11, 2007 meeting. Ms. Euclide requested that the first paragraph on page 4 of the minutes be corrected to reflect the indication of support by thumb-check. Accepted by Chase and Krantz as a friendly amendment to the motion, with no objection. Motion to approve carried unanimously (8-0). Ms. Gibson asked if the thumb-checks were formal votes; Mr. Miller answered no, formal votes were not anticipated until the public hearing. Ms. Gibson suggested that language which is voted upon or thumb-checked should be specifically indicated in the minutes for clarity.

### 3. Review of agenda

No changes.

### 4. Public comment

John Mathews, Dean Otte, and Greg Frutiger, representing Village of Deerfield, P.O. Box 66, registered to comment. Mr. Mathews thanked the Commission for its hard work on developing urban service area amendment policies and criteria, and requested that they expedite the process so that the pending Village of Deerfield USA amendment request could be considered. He briefly described the amendment, which had been submitted in April, and its importance in addressing the declining enrollment in the school district. Mr. Brandon asked if there were concrete deadlines associated with the amendment request. Mr. Otte stated that one of the major issues was the village did not know what the Commission policies were yet, and the amendment area was part of a TIF plan.

### 5. Update from CARPC Executive Director Recruitment Work Group meeting of October 22, 2007

Ms. Euclide stated that the work group (Euclide, Hamre, Kamperschroer, Miller and Palm) recommended that the interview panel could consist of any Commissioner willing to commit to all the interviews, Mr. Mesbah, Steve Born, and Mr. King. The dates discussed were Monday, November 26 for the three out-of-town candidates, and Tuesday, November 27 for the local candidate. The work group discussed hosting a social event on Sunday,

November 25, where Commissioners, Budget and Personnel Panel members, and staff could meet with the candidates to gain an interpersonal perspective of the candidates. The group thought it appropriate for the RPC to pay hotel expenses for out-of-town candidates. Mr. Brandon suggested that if second interviews were to be conducted, the costs of providing travel expenses should be more closely reviewed. Members discussed the social event, which had been done by the Village of DeForest in its search for an administrator, and discussed paying for travel expenses and interviewing all four candidates on a single day. Mr. Miller suggested that if a social event was not held, it was important for the RPC to hire an independent firm to conduct thorough background checks.

Moved by Mr. Miller, seconded by Mr. Chase, to pay for all travel expenses, interview all four candidates on a single day, provide for staff to interact with the candidates before or after the interviews, and to hire an independent party to conduct background checks of all four candidates. Discussion ensued. Mr. Brandon suggested that some modes of travel could incur prohibitive costs; Ms. Euclide suggested a cap on travel expenses up to \$500 (not including hotel stay). Miller and Chase accepted the cap as a friendly amendment, with no objections. Motion carried.

#### **6. Review / Discussion of draft CARPC Personnel Manual**

Mr. King referred to materials in the agenda packet and the draft manual, which was the Dane County RPC manual plus changes as proposed by staff based on updated benefits as provided by Dane County and current practices. He stated that it would be advisable for the Commission to adopt personnel policies prior to extending offers of employment. He stated that Dane County and the City of Madison were currently reviewing job descriptions and pay scale. He suggested that the evaluation process and related forms in the appendix should be updated but could be done after making job offers.

He referred to a memo from staff which supported the creation of a standing Personnel Committee to hear staff grievances and appeals of disciplinary actions, including termination, by the Executive Director ("ED"). He referred to the hiring process of the draft manual, which provided that new hires made by the ED be approved by the Executive Committee; he suggested this allowed hiring staff to be a management determination, so that the ED could be held accountable for those decisions. Commissioners discussed the hiring process. Ms. Gibson proposed that the ED could submit potential hires to the Commission, which could then either approve or delegate the decision to the Executive Committee. Mr. Mesbah stated that under the previous RPC, the ED's day-to-day management of staff was not transparent to the Commission, which was partially responsible for its dissolution. He suggested that a 360-degree review be included in the ED evaluation process. Discussion followed.

Mr. Miller noted that a decision should be deferred, especially since five Commissioners were absent. Mr. King stated that staff could draft language for consideration at the next meeting; Ms. Euclide summarized the two options as: hiring by the Executive Director is 1) subject to Commission approval, or 2) Executive Committee approval.

Members discussed and asked questions of staff about the draft personnel manual. Ms. Euclide asked about the fiscal impact of the proposed benefits; Mr. Gjestson stated that if the Commission agreed to hire former DCRPC/CAPD staff with retained longevity credits and accrued sick leave, the sick leave would potentially represent a \$85,000 liability

which could be incurred for employees retiring from CARPC service, although the costs would not be incurred in a single budget year.

Mr. Gjestson suggested that previous experience had shown that staff workload often required excessive overtime; there was a need to try to prevent this practice to avoid burnout, which might include a formalized compensatory time policy. He asked if staff might draft language for Commission consideration to address this issue. Discussion followed. Mr. Brandon agreed, and suggested that the next agenda include a possible closed session to discuss the personnel manual; Mr. Miller agreed. Members took a brief dinner break.

## **7. Review / Discussion of draft CARPC Bylaws**

Mr. King referred to the draft bylaws and its unresolved issues, including the need to describe the relationship between the RPC and the Budget and Personnel Panel and the composition of the Executive Committee. Ms. Euclide stated that the Executive Committee section of the draft was consistent with the suggestions of the work group, except for some duplicative language which should be deleted (lines 223-225). Mr. Miller referred to and described suggested corrections and changes proposed by Commissioner Kamperschroer (by e-mail 10/25), and asked members if they had any objections with his proposed changes to the Executive Committee section. There were none.

Mr. King noted that based on Commission discussions, subparagraph (i) of the proposed Personnel Committee section could be deleted, and the termination of staff provision could be added to subparagraph (ii) as part of the disciplinary appeal process. Ms. Euclide suggested that staff termination could be considered for approval by the Personnel Committee, and appeals could be made to the Executive Committee. Discussion followed. Mr. Krantz suggested that firing staff was an important decision which should be made by the full Commission. Mr. Chase suggested that staff terminations could be approved by the Personnel Committee, and appealed to the full body; members express support for the suggestion.

Discussion continued. Ms. Euclide suggested that Article 1 Section 7 subparagraph b(2) which required a Supermajority vote for any amendment or adoption of any regional plan was not needed, since it would require supermajority support for even minor changes to a plan. Mr. Mesbah stated that he had suggested the addition of the subparagraph to ensure that the bases on which plan amendments were made – such as the USA amendment criteria – also required a Supermajority vote. If they didn't, then it could be difficult to approve amendments since there was not supermajority support for the underlying criteria. Ms. Gibson stated that the requirement could be used by the minority to prevent action supported by the majority. Discussion followed. Ms. Euclide questioned what "regional plan" referred to; Mr. Miller asked that staff provide a definition which might be added to the subparagraph. Ms. Gibson asked that the language not be so broad as to require a supermajority vote for everything about every adopted plan, since it might be difficult to progress if eight votes were needed for everything.

Mr. King stated that to be consistent with discussions regarding the personnel manual, the Executive Director section (Article 5 Section 1) should include language describing the ED responsibilities, such as hiring and disciplining staff. Mr. Gjestson asked if Mr. Kamperschroer's comment to add the staff suggested provision to the Personnel

Committee section of the bylaws for the Committee to also administer exit interviews. There were no objections.

Ms. Euclide stated that an attorney should be asked to review if anything is missing; Mr. King stated that David Gault will be provided the final draft for review. Mr. Gjestson stated that the current draft did not provide for changes by the Commission to its personnel manual, as referenced in the manual. Mr. Miller asked staff to include language for Commission review.

**8. Workshops continued: Discussion of Urban and Limited Service Area and Environmental Corridor policies and amendment criteria.**

Mr. King provided background information, and referred to the staff analysis in the agenda materials. He suggested that after the workshop discussion, staff could bring back a draft USA/LSA/EC policies/criteria document for consideration. The materials in the agenda packet also identified issues which should be addressed by the Commission in the future, since some of the major policy issues identified at the previous meeting (such as needs assessments, agricultural land mitigation, density standards, and flexibility margin) would require additional analysis and a more extensive consultation process.

Ms. Kefer distributed written comments (dated October 25, 2007) for discussion on water quality criteria as referenced in the staff analysis. The comments were based on discussions held at a meeting on October 17 with staff members Mesbah and Kakuska and Commissioners Kefer, Hampton and Sayers. Ms. Kefer stated that some of the water quality issues were important enough that they should be included in the adoption of policies/criteria, rather than deferring to a future date.

Ms. Euclide disagreed with the staff recommendation to only adopt the current policies/criteria, which did not recognize the extensive discussions and general agreement from the previous Commission workshops. Mr. Brandon stated his understanding that previous discussions were conceptually based within short timeframes which did not provide time for feedback by planning staff of local governments; he suggested that a more formal voting procedure such as roll call should be used when considering specific policy language. Commissioners discussed its approach to adopting policies/criteria.

Mr. Brandon suggested that the draft document be provided to staff of the appointing bodies for input prior to scheduling a public hearing, so professional staff could determine the real-world implications and provide feedback. Mr. Miller agreed that local staff should review the policies/criteria prior to public hearing, but expressed concern over the resulting delay on the pending USA amendment requests. He suggested that the Town of Burke amendment appeared uniquely urgent and simple; the other pending requests had spring construction schedules. Discussion followed. Mr. Brandon suggested that the Commission could consider the Burke amendment under current regional plan criteria at its November 29 meeting, and further discuss the new policies/criteria. Ms. Euclide agreed, and requested that staff provide a policies/criteria document with clear language based on previous workgroup discussions. After review by the Commission, it can be distributed to the local jurisdictions for review and comment, after which the Commission will again review the document prior to noticing for public hearing to consider adoption. Mr. Miller expressed the need to provide a clear justification for the RPC to review the Burke amendment, so that other applicants understand its unique status. Discussion continued; Mr. Mesbah stated that the fact that the Burke amendment was existing

development should be sufficient to justify its consideration under current regional plan criteria.

Mr. Miller stated that when staff provides the policy document, rather than doing thumb-checks, the Commission should take formal votes on each section. There were no objections. Mr. Brandon stated his understanding that the thumb-check votes were a form of “straw” votes, and were not final. Ms. Gibson agreed, but the language from previous thumb-checks would be in the draft policy document; Mr. Brandon agreed. Ms. Euclide requested that the draft document be provided no less than a week before the next meeting, so Commissioners can review and suggest changes if needed, and should be a separate document from the staff analysis. Discussion continued. Ms. Sayers requested that the policy document identify those criteria which can’t be changed, similar to how they’re indicated in the staff analysis.

**9. Consideration of setting for public hearing on November 29<sup>th</sup>: adoption of the CARPC Goals and Objectives, Urban and Limited Service Area and Environmental Corridor policies and amendment criteria, and consideration of the Town of Burke CUSA amendment request.**

Moved by Mr. Brandon, seconded by Ms. Gibson, to direct staff to schedule a public hearing for November 29 for the Town of Burke CUSA amendment request, and to include a statement as to why the decision had been made by the CARPC. Motion carried unanimously.

**10. Report of Interim Chair / Discussion**

Mr. Miller referred to the document distributed earlier by Ms. Kefer; Ms. Kefer requested that Commissioners review the document and consider the recommended changes. She stated that the goal was to develop general criteria that could be refined over time, with input by a technical advisory committee. Mr. Mesbah distributed a list of his suggestions for CARPC natural resources work programming from 2008 through 2013; the dates were tied to the progression of work in updating the Water Quality Plan and its appendices. The three staff members of the natural resources division; Ms. Euclide asked that the list be included on the next agenda. Mr. Brandon asked that all materials distributed in hard copy be also provided in electronic form, to reduce the amount of paper used. Mr. Miller stated that in order to maintain compliance with Open Meetings Law, Commissioners with materials to distribute electronically should forward the files to staff for distribution.

**11. Report of Division Administrator / Discussion of Reports**

None.

**12. Future Agenda Items**

None.

**13. Adjournment**

Moved by Ms. Gibson, seconded by Mr. Krantz, to adjourn. Motion carried at 8:40 p.m.

Recorded by Chris Gjestson