

AGENDA

Meeting of the Capital Area Regional Planning Commission

November 29, 2007 City-County Building Room 201, 210 Martin Luther King Jr. Blvd., Madison WI 7:00 p.m.

1. Roll Call
2. Approval of minutes of the November 8, 2007 meeting
3. Review of agenda
4. Public comment
5. Public Hearing: Amending the *Dane County Land Use and Transportation Plan* and *Water Quality Plan* Revising the Central Urban Service Area Boundary in the Town of Burke.
6. **Consideration of Resolution CARPC No. 2007-9 Revising the Central Urban Service Area Boundary in the Town of Burke (*actionable item*).**
7. **Consideration of a motion to convene in closed session, pursuant to §19.85(1) (c) Wis. Stats., to discuss 2008 offers of employment for staff and to consider a recommendation on the Executive Director candidates to the Budget and Personnel Panel (*actionable item*).**
8. **Consideration of a motion to re-convene in open session, pursuant to §19.85(2) Wis. Stats., to consider 2008 offers of employment for staff and to consider a recommendation on the Executive Director candidates to the Budget and Personnel Panel (*actionable item*).**
9. **Consideration of recommended fees for sewer extension reviews (*actionable item*).**
10. Discussion of Natural Resources Work Program 2008-2013
11. Report of Interim Chair / Discussion
12. Report of Division Administrator / Discussion of Reports
13. Future agenda items
14. Adjournment

Next Commission Meeting: December 13, 2007 7:00 PM

<p>If you need a sign language interpreter, materials in alternate formats, or other accommodations to access this meeting, please contact DCCAPD staff at 266-4137, or TDD 266-4529, at least 72 hours in advance of the meeting.</p>
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MINUTES

Capital Area Regional Planning Commission

November 8, 2007

City-County Building Rm 310, 210 MLK Jr. Blvd., Madison WI

7:00 p.m.

Present: Zach Brandon, Joe Chase, Kristine Euclide, Martha Gibson, Kris Hampton, Carlton Hamre, Sally Kefer, Harold Krantz, Jeff Miller, Larry Palm, Anne Sayers, Kurt Sonnentag

Absent: George Kamperschroer

Staff Present: Chris Gjestson, Michael King, Kamran Mesbah, Steve Wagner, Barbara Weber

1. Roll Call

Interim Chair Miller called the meeting to order at 5:01 p.m.

2. Approval of minutes of the October 25, 2007 meeting

Moved by Mr. Krantz, seconded by Mr. Chase, to approve the minutes of the October 25, 2007 meeting. Motion carried, with Mr. Hamre abstaining.

3. Review of agenda

No changes.

4. Public comment

Attorney Mike Lawton, Lathrop & Clark, 740 Regent St., Madison, requested that the CARPC consider adding a policy to its bylaws which would require it to hold a public hearing within 90 days after the receipt of a complete urban service area amendment application, so that applicants will have assurance that their request will be considered. He requested that the CARPC also consider requiring eight votes for all major planning decisions, including the adoption of urban service area policies and criteria, to encourage consensus and fair treatment of all four appointing bodies.

5. Consideration of Resolution CARPC No. 2007 - 6 Adopting CARPC Bylaws

Mr. King described comments by David Gault, Dane County Corporation Counsel attorney, on the draft bylaws. Mr. King noted that line 189 of the draft should be amended to read "..., including *proposed* terminations,..." to be consistent with the authority of the Personnel Committee. Moved by Mr. Hampton, seconded by Mr. Sonnentag, to approve Resolution CARPC No. 2007-6 adopting the CARPC Bylaws as amended. Ms. Gibson stated that the Commission did not make a decision at its last meeting regarding its role in the hiring of staff; she suggested that line 217 be amended to provide for Commission involvement in the hiring of its employees. Discussion followed. Ms. Gibson proposed the line to read "The Executive Director, in consultation with the Personnel Committee, shall be responsible for the hiring and firing of staff, subject to Personnel Committee or Commission approval." Mr. Palm stated that to be consistent, line 192 should include a part "iv" to reference the Personnel Committee's hiring authority. Proposed amendments recognized by Messrs. Hampton and Sonnentag as friendly, with no objection. Mr. Miller

asked if Mr. Lawton's request should be included in the bylaws; Mr. Palm did not think it was necessary; Mr. King suggested that the 90-day requirement would best be addressed as a statement of intent in the USA amendment policies, rather than bylaws. There was no objection. Main motion to approve Resolution CARPC No. 2007-6 carried unanimously.

6. Consideration of Resolution CARPC No. 2007 - 7 Adopting the CARPC Personnel Manual

Moved by Ms. Gibson, seconded by Mr. Palm, to approve Resolution CARPC No. 2007-7 adopting the CARPC Personnel Manual. Motion carried unanimously.

7. Consideration of terms and conditions of employment for Capital Area Regional Planning Commission employees that have previous service with the Dane County Regional Planning Commission and/or Dane County (CARPC Res. 2007 - 8)

Mr. King described the resolution, which provided that former DCRPC/CAPD employees accepting employment with the CARPC would retain their longevity, seniority, salary history, vacation and sick leave credits as accrued under DCRPC/CAPD service. Moved by Mr. Hampton, seconded by Mr. Sonnentag, to approve Resolution CARPC No. 2007-8. Motion carried unanimously.

8. Consideration of a motion to convene in closed session, pursuant to §19.85(1) (c) Wis. Stats., to consider offers of employment to Community Analysis and Planning Division staff for 2008.

Moved by Mr. Hampton, seconded by Mr. Chase, to convene in closed session, pursuant to 19.85(1)(c) Wis. Stats., to consider offers of employment to Community Analysis and Planning Division staff for 2008. Motion carried 12-0 by roll call.

9. Consideration of a motion to re-convene in open session, pursuant to §19.85(2) Wis. Stats., to consider offers of employment to Community Analysis and Planning Division staff members for 2008.

Moved by Ms. Euclide, seconded by Mr. Hampton, to reconvene in open session, pursuant to 19.85(2) Wis. Stats., and to communicate to CAPD staff along with its offers of employment that the Commission intends to review and consider the recommendations of the salary study currently underway, considering all the funds that could be made available for the purpose of salary and benefit adjustments within the 2008 Commission's budget. Motion carried unanimously.

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

Mr. King referred to the draft policies and criteria (Review Draft dated 11/1/07) in the agenda packet materials. Commissioners discussed the draft and asked questions of staff. Ms. Kefer expressed concern that the stormwater management criteria was not sufficiently tied to groundwater recharge; Mr. Mesbah stated that stormwater recharge of groundwater was included in NR 151, and the RPC approach to stormwater management was inclusive of both ground and surface water. Ms. Kefer asked how "maximum extent practicable" was determined. Mr. Mesbah answered through groundwater modeling and determination of projected baseflow loss, with consideration of the natural resources in

the amendment area. Discussion continued. Ms. Gibson suggested that the term “maximum extent practicable” was vague and lacked transparency; she asked that staff spell out much more specific criteria. Mr. Mesbah stated that staff could add detail, but it was not possible to prevent all water quality and quantity impacts of development. Ms. Euclide agreed with the request for significantly more detail, which would better inform both Commissioners and applicants on what the criteria are. Ms. Sayers described the importance of maintaining a permanently adequate water supply for the region, and asked what the Commission could do to encourage the sustainable approach to water usage in USA amendment proposals, consistent with the CARPC goals and objectives. Mr. Mesbah stated that staff worked with applicants to try to achieve sustainable usage; he noted that the most effective measure to maintain groundwater supplies was through recycling, which requires a multi-jurisdictional approach with local support. Ms. Sayers stated that reducing demand should be stressed as much as possible. Ms. Kefer requested that recharge standards be described in the criteria. Mr. Mesbah stated that staff could add more detail to the draft policies in response to Commission requests. Discussion followed.

Commissioners discussed Section 2 Paragraph D Agricultural Loss Mitigation. Mr. Hampton suggested that a CARPC work group could be created to discuss potential mitigation measures. Mr. Miller described the lack of support from cities and villages concerning this criterion. Ms. Euclide suggested retaining the criterion, and expressed support for CARPC initiating a work group to identify possible criteria, after which it could collaborate with local jurisdictions for adoption. She suggested that in the interim Paragraph D could be abbreviated to read “The CARPC desires to promote approaches to mitigate the loss of farmland to urban development.” (No action taken.)

Ms. Euclide referred to Section 1 Paragraph I regarding the flexibility margins, which reflected current practice. She stated that the policy was not consistent with the CARPC goal for more efficient use of land, such as encouraging the use of infill and increased density, since the policy provided twice the projected need for developable land (in Outer USAs). Discussion ensued. Moved by Ms. Euclide, seconded by Mr. Hampton, to delete the second sentence of Paragraph I. Discussion followed. Ms. Euclide stated that she was not opposed to flexibility margins, but they should be looked at more closely before adopting them as policy. Discussion continued. Motion to delete carried 7-5 on a voice vote.

Ms. Euclide referred to the density criteria (Section 2 Paragraph C) and suggested that the goal should be to increase overall density in urban service areas. The requirement would not necessarily be that amendment areas have higher densities than the current USA, only that an analysis and demonstration that an overall increase has occurred, even if the increase is due to infill or redevelopment projects within the existing USA. She suggested that the language could be amended to make this more clear. Discussion followed. Mr. Brandon agreed the language should be clarified, and should emphasize the need to increase densities at a regional level.

Moved by Ms. Euclide, seconded by Ms. Sayers, to add new Paragraph G to Section 2 to require demonstration of consistency with local and regional adopted plans. This criterion would match the USA amendment submittal policies. Motion carried unanimously. Discussion continued.

Mr. Brandon requested that those Commissioners who have advocated for preservation of farmland and groundwater supply should try to propose clear, specific criteria. Ms. Sayers suggested that the water quality work group could meet to discuss. Discussion followed. Messrs. Miller and Hamre described the role of intergovernmental agreements (IGAs) in farmland preservation, which identified lands which would remain zoned exclusive agriculture for 10-year periods. Discussion continued on the agricultural mitigation criteria, including the creation of a work group. Mr. Hampton suggested that Section 2 Paragraph D regarding agricultural loss mitigation should remain as written as a placeholder which expresses the Commission's intent, while a work group works on the details to report back to the Commission. Mr. Miller expressed approval for the creation of a work group, but stated that the language was too vague to be included as adopted criteria; Mr. Brandon agreed. Discussion continued.

Moved by Ms. Kefer, seconded by Mr. Hampton, to keep Paragraph D but amend to the effect that CARPC desires to promote approaches to mitigate the loss of farmland to urban development through the use of, for example, intergovernmental agreements, TDR and PDR programs, etc. Ms. Kefer stated that the intent of the language would be to initiate discussions with amendment applicants on effective mitigation measures. Ms. Gibson asked if easements should be an included measure in the language; Ms. Kefer agreed they should. Commissioners continued to discuss the legalities and economics of the preservation of agricultural land. Ms. Kefer moved to amend the proposed language of the main motion to include "...to support the economic viability of the farming industry and protect wildlife habitat, recharge for streams, springs, and drinking water." Recognized by Mr. Hampton as a friendly amendment; there was no objection. Motion carried 7-5 on roll call vote.

Moved by Ms. Euclide, seconded by Ms. Gibson, to add subparagraph 5 to Section 3 Paragraph A to add as a submittal requirement "an analysis of the infill and redevelopment potential in the existing urban service area and a description of the need for the urban service area expansion." Ms. Euclide stated that this would be consistent with the other criteria and would provide that the applicant do this work rather than the staff. Motion carried unanimously.

Moved by Ms. Euclide, seconded by Ms. Sayers, to add the USA criteria in paragraphs A through E and new G to the LSA criteria in Section 3. Motion carried unanimously. Commissioners continued discussion.

Moved by Ms. Kefer, seconded by Ms. Gibson, to amend Paragraph A subparagraph 13 of the Environmental Corridors ("ECs") section to prevent the installation of stormwater facilities in corridors that would negatively affect the environmental function of the corridor. Mr. Mesbah explained that the purpose of subparagraph 13 was to ensure stormwater facilities installed in developed areas are designated as ECs; the intent of the motion to prevent stormwater facilities from being added to sensitive ECs which degrade the function of ECs would best be addressed as an added criterion. Ms. Kefer amended her motion to add new Paragraph G with the proposed language; recognized as friendly by Ms. Gibson with no objections. Motion carried unanimously.

Moved by Ms. Kefer, seconded by Ms. Euclide, to amend Paragraph E subparagraph 3 of the Environmental Corridors section by adding “woodlands.” Discussion followed. Motion carried 11-1 on voice vote.

11. Consideration of approving discussion drafts: CAPRC Goals and Objectives; Urban and Limited Service Area and Environmental Corridor Policies; and Criteria for the Review of Urban and Limited Service Area Amendments. Consideration of the intergovernmental and public review process for discussion drafts.

Mr. Miller stated that staff should provide the draft documents for Commission review prior to considering for distribution to local units of government for review and comment. Moved by Ms. Gibson, seconded by Mr. Palm, to defer consideration of the draft documents to the meeting of November 29. Motion carried unanimously.

12. Discussion of Natural Resources Work Program 2008-2013

Moved by Mr. Sonnentag, seconded by Mr. Gibson, to defer to the meeting of November 29. Motion carried unanimously.

13. Report of Interim Chair / Discussion

Mr. Miller stated that a communication to local units of government and stakeholders was being drafted to provide an update on the Commission’s status, and November 28 was the date established for Executive Director interviews.

14. Report of Division Administrator / Discussion of Reports

Mr. King stated that the public hearing notice for the Town of Burke CUSA amendment (included in the agenda packet) included language explaining why the amendment was being considered by the Commission. He reported on the November 8 annual meeting of the Association of Wisconsin Regional Planning Commissions.

15. Future Agenda Items

None.

16. Adjournment

Moved by Mr. Hampton, seconded by Mr. Krantz, to adjourn. Motion carried at 10:35 p.m.

Recorded by Chris Gjestson

Re: Public Hearing for and Consideration of Town of Burke request the Central Urban Service Area (*actionable item*).

Decision Items:

1. Consider Resolution CARPC No. 2007-9 .

At its meeting on October 25, the Commission unanimously agreed to hold a public hearing and consider an amendment to the Central Urban Service Area as requested by the Town of Burke for the Badger Utility, Inc. property. Because the request involved existing development in an area that had been incorrectly identified as already being in an existing USA, the Commission agreed to consider the amendment under the current regional plan criteria.

Attached is the staff analysis of the amendment request, along with a resolution for consideration.

Materials Presented with Item:

1. Staff Analysis dated 11/21/07
2. Resolution CARPC No. 2007-9

**Staff Analysis of Proposed Amendment to the *Dane County Land Use Plan* and the
Dane County Water Quality Plan Revising the Central Urban Service Area
Boundary within the Town of Burke**

1. Applicant: Town of Burke

2. Description of Proposal

The proposed amendment area is located west of Interstate Highway 39/90/94, north of Daentl Road, in the Town of Burke. The amendment proposes to add 26.0 acres to the Central Urban Service Area (CUSA), including 10.9 acres of existing right-of-way and 15.1 of existing commercial development. No new developable acreage would be added. The existing commercial development is the headquarters of Badger Utility, Inc., a full service semi-trailer dealership. Badger Utility has recently completed a 25,000 square foot addition to its building, more than doubling the footprint and necessitating a building sprinkler system and triggering the need for municipal water service, and connection to municipal sewerage and water systems (See maps 1, 2, and 3).

Proposed Land Use	Total Acres	% of Total	Existing Development	Environmental Corridor	Developable
Commercial	15.1	58%	15.1		0
Stormwater Management	0	0%			0
Street R-O-W	10.9	42%	10.9		0
Total	26.0	100%	26.0	0	0

3. Existing Environment

Land Use. The property of the amendment area is a commercial lot with existing development (Badger Utility, Inc.) currently served by a septic system. Land uses adjacent to the proposed amendment are the following:

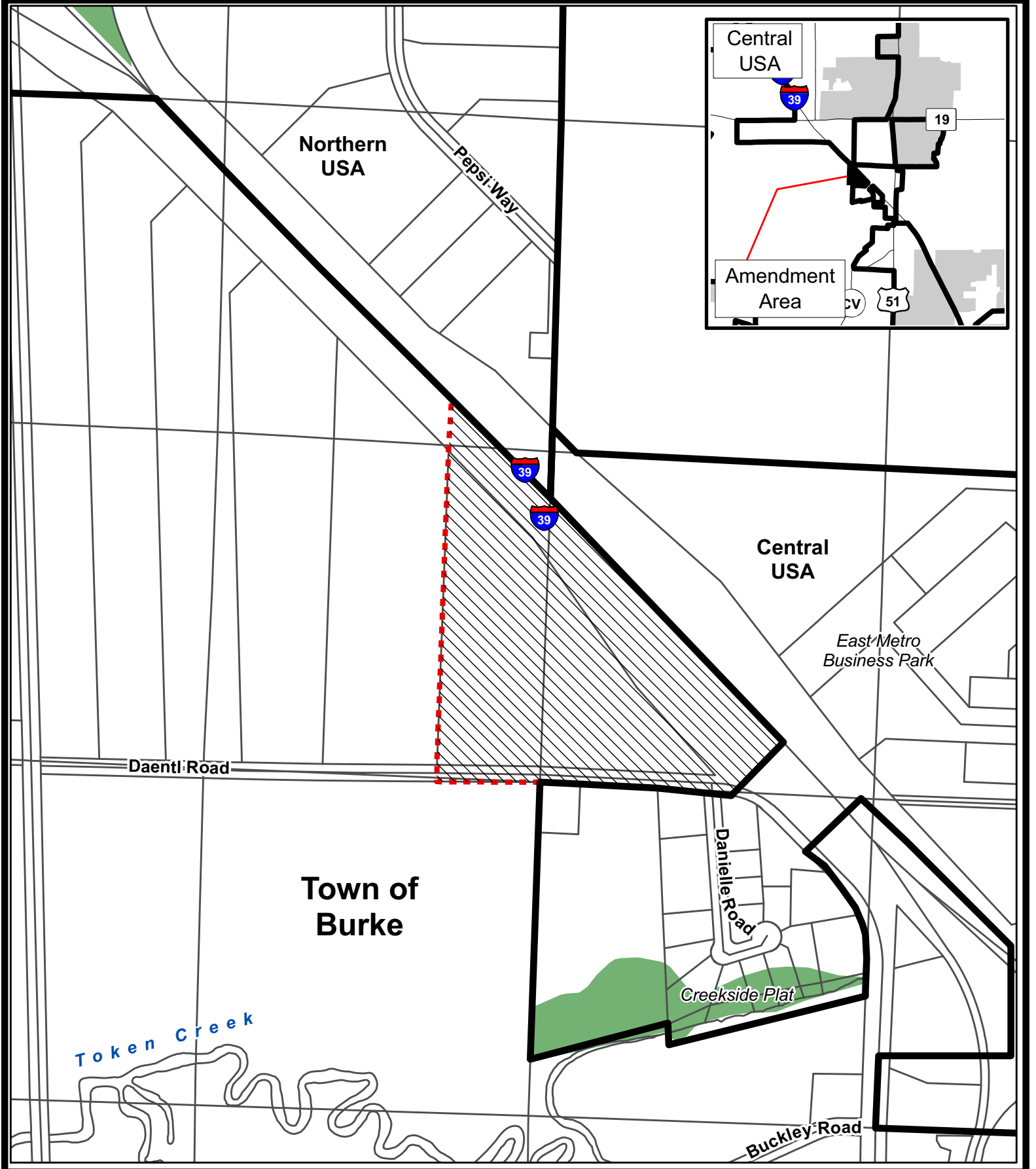
North: Interstate highway, agriculture, commercial (Town of Burke)

South: Cherokee Marsh Fishery Area, residential served by public sanitary sewers (Town of Burke)

East: Interstate highway, commercial (Town of Burke)







West: Agriculture (Town of Burke)

Natural Resources. The amendment area drains in two directions. Half of the site drains westerly to an existing stormwater pond which discharges to the west into farmlands and wetlands associated with the Upper Yahara River approximately 2,600 feet to the west. The other half of the site drains east-southeasterly to Token Creek. Token Creek flows generally east to west and is located approximately 1,500 feet south of the amendment area. An environmental corridor containing wetlands associated with Token Creek is located approximately 1,200 feet south of the amendment area. Token Creek supports a Cold Water Fishery upstream of the Interstate while downstream, from the Interstate to the stream's confluence with the Yahara River, a Warm Water Sport Fishery with potential for a Cold Water Fishery is supported. The creek flows southwest to the Yahara River, which

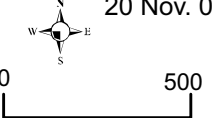


Map 1

**Amendment to the
Central Urban Service
Area in the
Town of Burke**

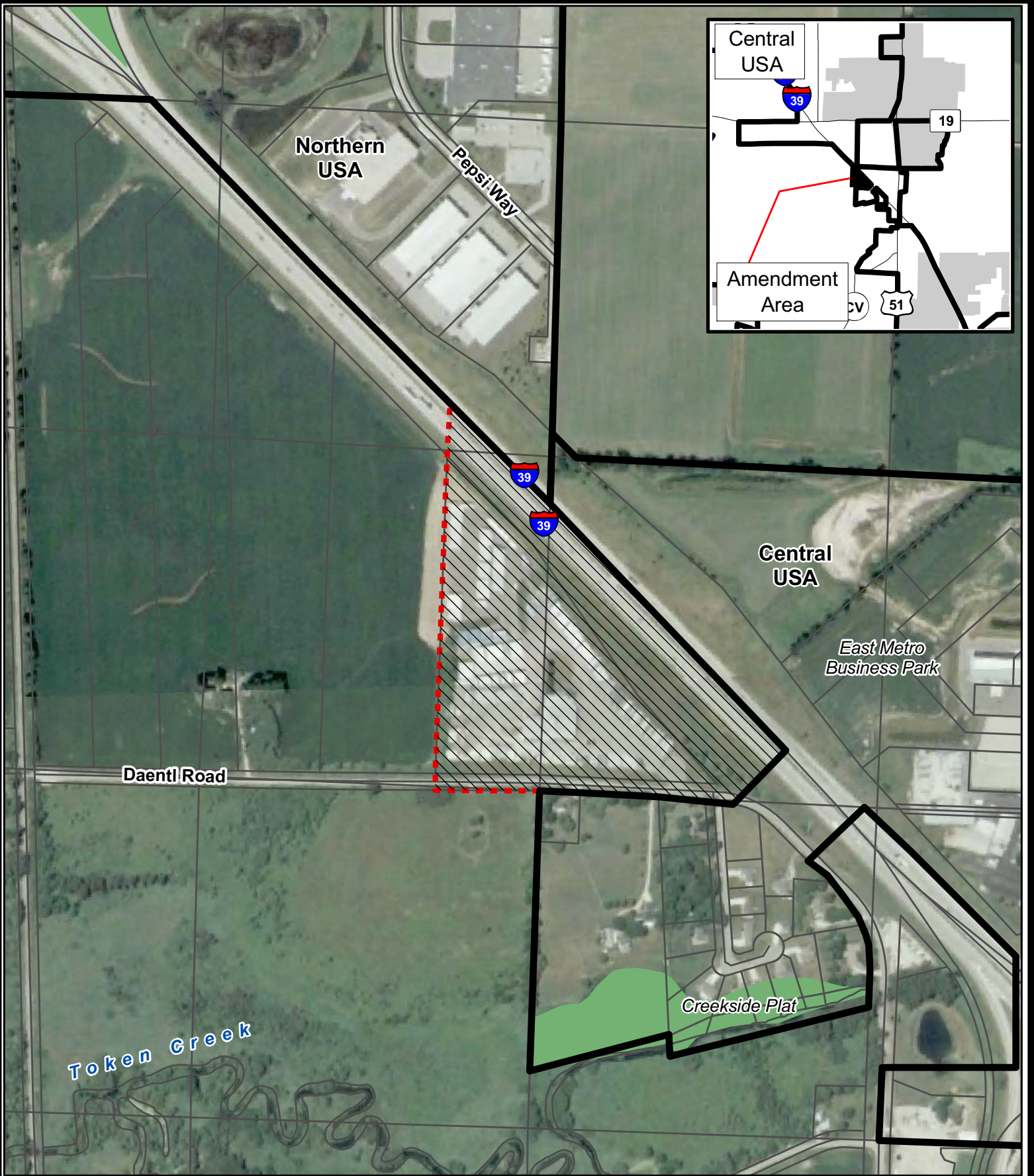
-  Service Area to be added (26 acres)
-  Proposed Environmental Corridor (0 acres)
-  Existing Environmental Corridor
-  Incorporated Area
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary

20 Nov. 07








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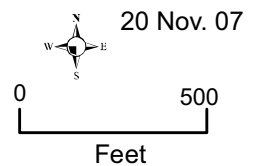
Prepared by staff
of the CAPD.



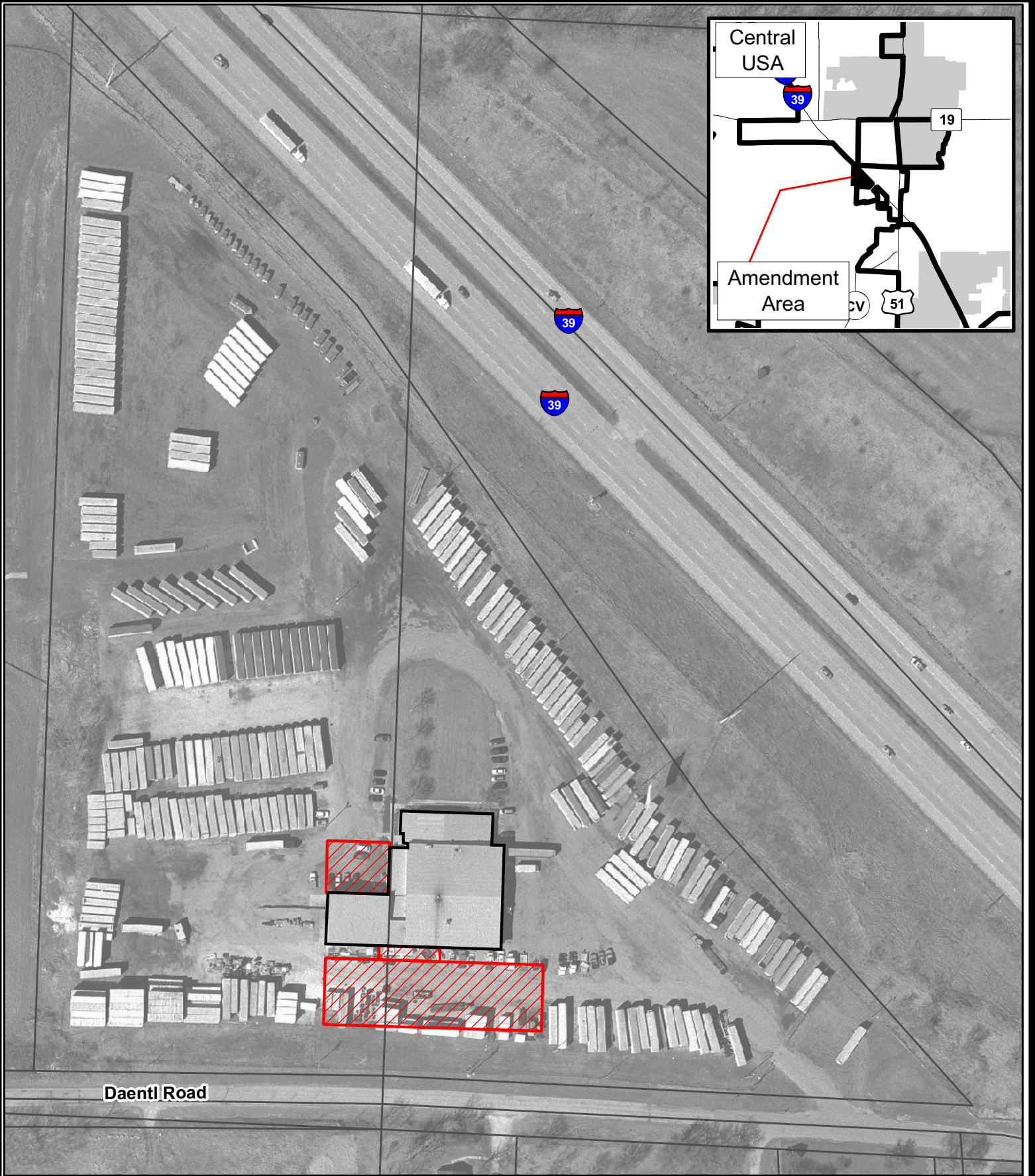
Map 2 2006 Aerial Photograph

**Amendment to the
Central Urban Service
Area in the
Town of Burke**

-  Service Area to be added (26 acres)
-  Proposed Environmental Corridor (0 acres)
-  Existing Environmental Corridor
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary





Prepared by staff
of the CAPD.



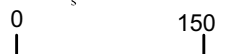
Map 3 Site Plan

**Amendment to the
Central Urban Service
Area in the
Town of Burke**

-  Existing Building Footprint
-  Proposed Building Addition



20 Nov 07



Feet

Prepared by staff
of the CAPD.

flows to Lake Mendota. Token Creek base flow is generated by a significant number of springs, and the stream supplies a major portion of the base flow for the Yahara River system. The Yahara River supports a Warm Water Sport Fishery and is a stream with high habitat quality in its reach above Lake Mendota. Lake Mendota and the reach of the Yahara River north of the lake have been the subject of substantial public expenditure aimed at water quality protection and improvement through the Priority Watershed Program. Token Creek has been the subject of substantial local, regional, and state efforts aimed at restoring the stream to a brook trout fishery.

The soils of the amendment area are primarily in the Dodge-St.Charles-McHenry association. These soils are well drained and moderately well drained, deep silt loams underlain by sandy loam glacial till. Approximately 33 percent of the soils in the amendment area are prime agricultural soils. However, existing development has disturbed the natural soil cover and its characteristics in the area. Table 2 and Map 4 show detailed soil characteristics for the amendment area.

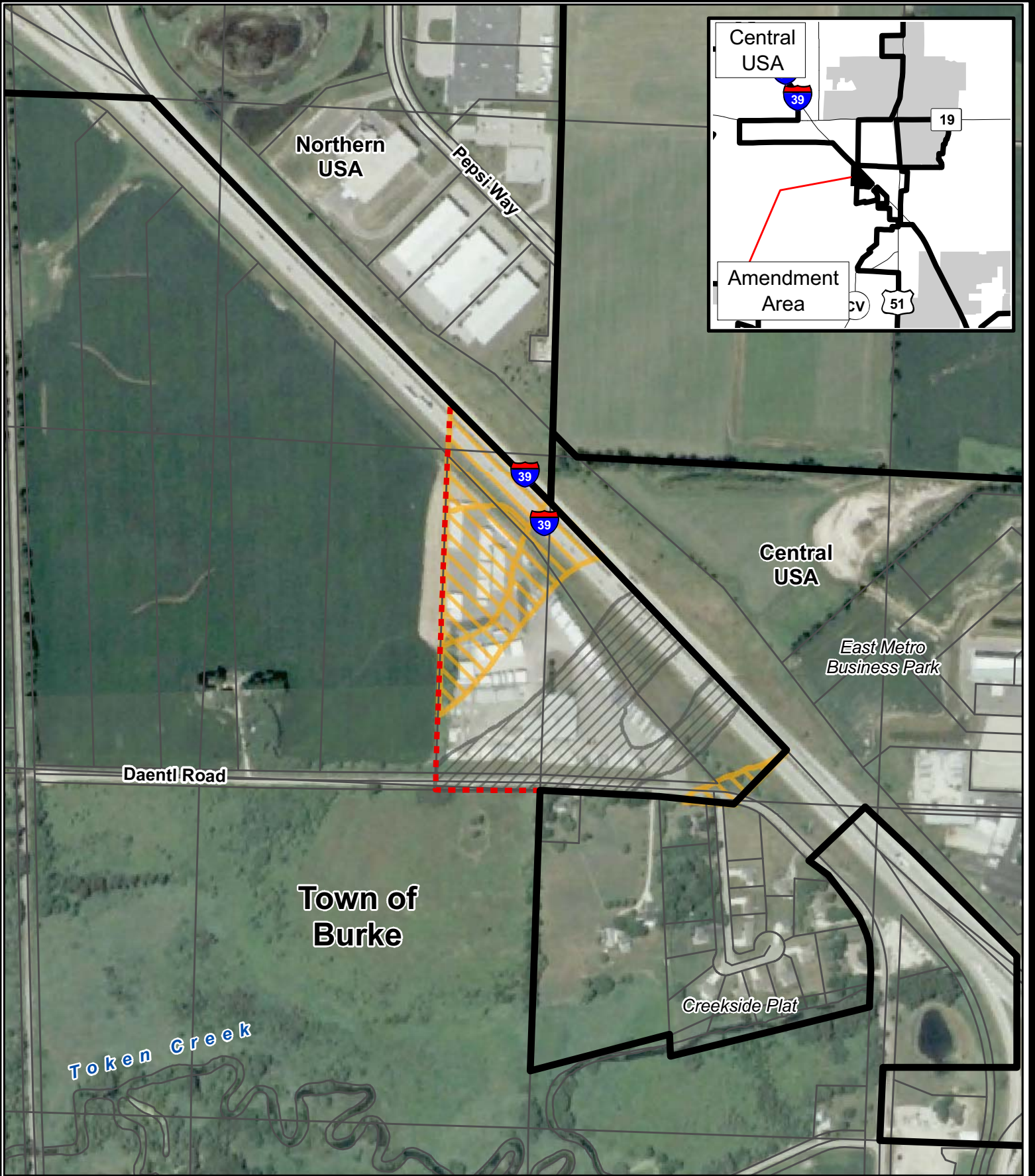
Depth to the water table is over 25 feet in the amendment area. Sandstone bedrock is reached at a depth of less than 10 feet in the amendment area.

Table 2
Soil Classification

Soil	% of Area	Prime Agricultural Soils?	General Characteristics
Dodge silt loam; DnB/C2	42	Yes, where slopes are less than 6%	Deep, well-drained soils formed on glaciated uplands over sandy loam glacial till. Soils have high fertility, moderate permeability, and moderate to severe hazard of erosion. Poses slight to moderate limitation for development. 110-120 Bu/acre corn yield.
Kidder loam, eroded; KdD2	36	No	Deep, well-drained soils on lower side slopes of glaciated uplands. Soils have medium fertility, moderate permeability, and a very severe hazard of erosion. Poses severe limitation for development due to slope.
Troxel Silt Loam; TrB	13	Yes	Deep, well-drained soils in drainageways formed in silty alluvium. Soils have high fertility, moderate permeability, moderate hazard of erosion, and are subject to frequent flooding. Poses severe limitation for development due to flooding and low bearing capacity. 145 Bu/acre corn yield.
Pecatonica silt loam; PeB	8	Yes	Deep, well-drained soils on ridgetops and upper side slopes of glaciated uplands and high benches in stream valleys. Soils have high fertility, moderate permeability, and moderate hazard of erosion. Poses slight to moderate limitation for development. 120 Bu/acre corn yield.





Source: Dane County Soil Survey

The Natural Heritage Inventory, maintained by the Department of Natural Resources, does not indicate the occurrence of threatened or endangered species in the immediate area of the amendment. However, several locations with rare species and natural communities have been identified in the adjacent sections southwest of the amendment area (about 1 mile downstream from the amendment area). The Southwest Wisconsin Prairie Enthusiasts have identified native prairie remnants or oak savannahs southwest of the amendment area. The state-owned Cherokee Marsh Fishery Area is located south and southwest of the amendment area.



Map 4 Soil Limitations

**Amendment to the
Central Urban Service
Area in the
Town of Burke**

-  Prime Agricultural Soils (9.0 acres)
-  Severe Limitations on Development (9.8 acres)
-  Existing Urban Service Area Boundary
-  Proposed Urban Service Area Boundary



20 Nov. 07

0 500

Feet

Prepared by staff
of the CAPD.

Resolution CARPC No. 2007-9

Amending the *Dane County Land Use and Transportation Plan* and Recommending the Amendment of the *Dane County Water Quality Plan*, Revising the Central Urban Service Area Boundary in the Town of Burke, Dane County

WHEREAS, the Capital Area Regional Planning Commission recognizes the *Dane County Land Use and Transportation Plan* and *Water Quality Plan* as part of the Master Plan for the Dane County region ; and

WHEREAS, the *Land Use and Transportation Plan* delineates urban service areas as amended through September 2004, and the *Water Quality Plan* delineates urban service areas as amended through June 2007; and

WHEREAS, the Town of Burke has requested an addition to the Central Urban Service Area, and has based the request on the Town of Burke Land Use Plan, as amended in 1999; and

WHEREAS, a staff analysis of the proposed amendment has been prepared, which indicates that the amendment is consistent with adopted regional plans and policies;

NOW, THEREFORE, BE IT RESOLVED that in accordance with §66.0309, Wis. Stats., the Capital Area Regional Planning Commission amends the *Dane County Land Use and Transportation Plan*, and recommends that the Wisconsin Department of Natural Resources amend the *Dane County Water Quality Plan* by revising the Central Urban Service Area boundary as shown on the attached map.

Approval of this amendment is based on the land use, site plan, and urban service plans submitted in support of this amendment, and conditioned on the Town of Burke and Village of DeForest pursuing the following:

1. Submit a detailed stormwater management plan for CAPD/CARPC and DCLCD review and approval prior to approval of sanitary sewer service extension and prior to re-development. Plan should include stormwater quantity measures to control post-development rates of runoff at pre-development rates for all storms up to and including the 100-year event, and to prevent increased downstream erosion. Plan should also include stormwater quality treatment and protection measures for the entire amendment area to mitigate the adverse impacts of development to the maximum extent practicable, including the capture of 80% of TSS for 1-year and 2-year storms, mitigation of thermal impacts, prevention of re-suspension of captured sediment, prevention of the flushing of floatables, and treatment of other urban stormwater contaminants. Plan should also include plans for contingency measures for additional detention and treatment if and when the gravel parking areas are paved.
2. Mitigate the adverse impacts of development on groundwater quantity by providing measures with adequate capacity to infiltrate all rooftop runoff (for both existing and new additions) for a one year storm. Include plans for contingency infiltration measures if and when gravel parking areas are paved.
3. Create stormwater easements for all stormwater management facilities and designate them as environmental corridors (when the locations have been determined, and as part of the sewer extension review for the development served by this new stormwater facility).

November 29, 2007

Date Adopted

Kristine Euclide, Interim Secretary

Consideration of a motion to convene in closed session, pursuant to §19.85(1) (c) Wis. Stats., to discuss 2008 offers of employment for staff and to consider a recommendation on the Executive Director candidates to the Budget and Personnel Panel (*actionable item*).

Decision Items:

1. Review position classification and salary report from Dane County and City of Madison Human Resources staff, consider possible changes to the classification of staff positions, and consider changes to 2008 offers of employment for staff.
2. Consider the report and recommendations of the Executive Director interview panel (Commissioners Brandon, Euclide, Gibson, Hamre, Kamperschroer, Miller, Palm, Sayers and Professor Steve Born, Michael King and Kamran Mesbah). Consider recommendations to the Budget and Personnel Panel concerning the selection of an Executive Director.

Position classification/salary report and offers of employment. The Commission will have the opportunity to review the report and consider changes to offers of employment. Individual staff members may want to discuss their offers of employment with the Commission in closed session. **Staff will e-mail materials to you before the meeting in support of these discussions.**

Additionally, the Commission should decide if they wish to retain the half-time position currently filled by Aaron Krebs, GIS Specialist, or whether they will accept Dane County's proposal for the County to employ Aaron full-time and contract his half-time services back to the Commission. Todd Violante's memo (attached) outlines the proposal; Dave Gault (Dane County attorney) has suggested that a Purchases of Services contract would be the best approach for this arrangement. If available by the 28th, staff will provide a draft contract for Commission review.

Report and recommendations of the Executive Director interview panel. Interviews will be held on November 28th. Commissioners on the panel will make a report.

Materials Presented with Item:

1. Report (with table) from Dane County and City of Madison Human Resources staff
2. 2008 offers of employment for staff approved by Commission on November 9, 2007
3. Todd Violante memo
4. Executive Director candidate applications, cover letters, resumes and questionnaires*
5. Interview panel background materials*

*Commissioners on the Interview Panel have already received items 5 and 6

Re: Consideration of a motion to re-convene in open session, pursuant to §19.85(2) Wis. Stats., to consider 2008 offers of employment for staff and to consider a recommendation on the Executive Director candidates to the Budget and Personnel Panel.

Decision Items:

1. Review position classification and salary report from Dane County and City of Madison Human Resources staff, consider possible changes to the classification of staff positions, and consider changes to 2008 offers of employment for staff.
2. Consider the report and recommendations of the Executive Director interview panel (Commissioners Brandon, Euclide, Gibson, Hamre, Kamperschroer, Miller, Palm, Sayers and Professor Steve Born, Michael King and Kamran Mesbah). Consider recommendations to the Budget and Personnel Panel concerning the selection of an Executive Director.

Re: Consideration of recommended fees for sewer extension reviews

Decision Item:

1. Recommend a fee schedule to the Budget and Personnel Panel.

The 2008 Commission budget anticipates \$30,000 in revenue to be derived from a new fee for the review of proposed sewer extensions to determine if they are consistent with the *Dane County Water Quality Plan*. Both the Wisconsin Department of Natural Resources and the Madison Metropolitan Sewerage District require a “consistency letter” from the agency as a part of their review of sewer service extensions. The model resolution proposing the creation of CARPC calls for the establishment of this fee and also provides that the Budget and Personnel Panel is responsible to establish user fees (as well as the tax levy). It would be appropriate to propose a fee schedule to the Budget and Personnel Panel.

Staff will email a cover memo and proposed fee schedule to the Commission on Tuesday November, 27th.

Re: Report of Interim Chair / Discussion

Attendance at November 29 meeting. I will not be able to attend the meeting and have asked Kris Euclide to chair the meeting.

Consideration of election of officers and appointment of a Personnel Committee and Executive Committee. Currently two Commissioners have let Chris Gjestson know of their interest in serving on the Executive Committee and/or the Personnel Committee; thus I took the elections off this agenda, and will place them on the December 13th agenda. Please let Chris know if you are interested in serving on these bodies.

Consideration of approving discussion drafts: CARPC Goals and Objectives; Urban and Limited Service Area and Environmental Corridor Policies; and Consideration of the intergovernmental and public review process for discussion drafts. In light of the anticipated length of the November 29th meeting (2++ hours), and staff's desire to put more time into this item, I removed it from this agenda and will place it on the December 13th agenda.

Letter to communities on status of the Commission's work. I have been working with staff to draft a letter to update communities on our work. I have asked staff to distribute a draft of the letter at the meeting.

Re: Report of Division Administrator / Discussion of Report

Opportunity for Executive Director candidates to meet staff and background materials for candidates. The Commission said that it thought it would be a good idea for agency staff and Executive Director candidates to have the opportunity to meet and talk. They attached memo makes those arrangements.

Bylaws. Attached is a copy of the bylaws as adopted. It would be appropriate to place this item in Tab 10 of your binder. A copy as the as adopted Personnel Manual is available.

Denver Area Council of Governments Newsletter. Denver has on of the leading regional agencies in the county, (a Coalition Council group traveled their to talk to area officials about there approach to regionalism). I thought this newsletter might be of interest.

Materials Presented with Item:

1. King memo to Executive Director candidates
2. CARPC Bylaws
3. Denver Area Council of Governments Newsletter

November 19, 2007

To: Executive Director Candidates

From: Michael King, CAPD Division Administrator

Re: Opportunity to meet with staff, and CARPC background materials

The two best things about the Executive Director position are the staff and it's in Madison. The staff invites you to meet them immediately after your interview with the Interview Panel. It would be good if you could spend 45 minutes with staff – a 15-minute walk of the office and 30 minutes of conversation. If you would report back to Chris Gjestson (pronounced jet-son) after your interview, he will walk you through the office space. If this schedule does not work for you, please call Chris at 608-266-4138 to see if an alternative schedule can be arranged.

For the last four years I have been responsible for leading the agency staff. I will be leaving the organization on December 31, 2007. I will be happy to be available to the new Executive Director. I also will be on the interview panel. I thought that the following materials or web links could be helpful to you.

1. The November 29, 2007 Commission packet. (See link to packet at www.danecorpc.org.)
2. A history / chronology of the agency.
3. A summary of several meetings with agency customers.
4. A copy of our most recent monthly staff report outlining the projects that agency staff are working on.
5. The Dane County Water Quality Plan (please return).
6. A PowerPoint presentation on Dane County Growth Trends 2000 – 2030 from the July 12, 2007 Commission meeting.
7. The agency's Annual Reports from the last three years.

Enjoy. Good luck.

Michael R. King

cc: Interview Panel
CARPC Commissioners
Chris Gjestson
Mike Kakuska
Aaron Krebs
Mike Rupiper
Steve Wagner
Barbara Weber

**Bylaws
of the
Capital Area Regional Planning Commission**

Adopted November 8, 2007

**Capital Area Regional Planning Commission
210 Martin Luther King Jr. Blvd., Room 362
Madison, Wisconsin 53703
(608) 266-4137**

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**Bylaws
Of
Capital Area Regional Planning Commission
(the "Commission")**

ARTICLE I - MEETINGS

Section 1. **Regular Meetings.** Regular meetings of the Commission shall be held as determined by the Commission, but at least six times a year.

Section 2. **Annual and Special Meetings.** A meeting of the Commission in January of each year shall constitute the Commission's annual meeting, whereupon officers will be elected in accordance with Article 2 Section 2 of these Bylaws. If there is more than one meeting in January, the second meeting shall be the annual meeting. A special meeting of the Commission may be called at any time by its Chairperson and must be called by its Chairperson upon his/her receipt of a written request therefor signed by three (3) or more of the Commissioners. The Chairperson shall set the date on which any special meeting is to be held, but the date of any special meeting called upon a written request therefor by three (3) or more of the Commissioners shall be set by the Chairperson within a reasonable time after his/her receipt of such request.

Section 3. **Notice and Agenda of Meetings.** Public notice of all meetings of the Commission shall be given in compliance with Wisconsin Statutes sec. 19.84. The agenda for each regular and special meeting of the Commission shall be distributed to each Commissioner. Each agenda shall state the date, time and place of the meeting and whether it is to be an annual or special meeting. The Executive Director of the Commission or his/her designated representative shall be responsible for preparing and mailing the agenda to each Commissioner.

Section 4. **Order of Business for Meetings.** The Chairperson shall set meeting agendas in consultation with the Executive Director. Additionally, an item shall be placed on the agenda if requested by any two Commissioners. The order of business for all regular meetings of the Commission shall include, but not be limited to, the following: Roll call; Approval of minutes; Review of Agenda; New business; and other items as listed in the mailed agenda. No action will be taken on any matter at a meeting of the Commission that is not included in the public notice of the meeting.

Section 5. **Quorum.** A majority of all the Commissioners shall constitute a quorum at any meeting of the Commission. A quorum shall be required for the conduct of any business at a meeting of the Commission.

Section 6. **Voting.** Each Commissioner shall be entitled to one vote on each matter voted upon at any Commission meeting at which he/she is present. Every Commissioner present shall vote in favor, in opposition, or abstain when a question is put. In the event a Commissioner recuses him/herself from voting on an item, that Commissioner shall not engage in discussions or actions on that item. Unless otherwise provided elsewhere in these Bylaws, the vote of a majority of the Commissioners present at a meeting at which a quorum is present shall be controlling on any matter voted upon.

Section 7. Commission Action on Matters Requiring a Supermajority Vote of Eight (8) or More Members.

- a. Any decision of the Commission that requires a vote of at least eight (8) Commissioners pursuant to these Bylaws or by law is defined to be a “Supermajority Decision” for purposes of these Bylaws, and shall be subject to the procedure set forth in this Section.
- b. A Supermajority Decision shall be required for the following actions:
 - (1) All delineations and modifications to urban and limited service areas;
 - (2) The amendment or adoption of any regional plan; for the purposes of this section, “regional plan” shall include the Dane County Water Quality Plan and be further defined as set out in the state regional planning commission law, §60.0309, Wis. Stats., and in state smart growth laws §66.1001(2), Wis. Stats.; Smart growth plan elements are Issues and Opportunities; Housing; Transportation; Utilities and Community Facilities; Agricultural, Natural and Cultural Resources; Economic Development; Intergovernmental Cooperation; Land Use and Implementation;
 - (3) All decisions to delay the filling of officer vacancies until the next annual meeting (see Article 2 Section 4);
 - (4) The appointment of the Executive Director (see Article 5 Section 1); and
 - (5) All amendments to these Bylaws.
- c. All Supermajority Decisions shall be stated as motions to approve or accept a matter, rather than as a motion to disapprove, deny or reject a matter. Negative motions shall be out of order.
- d. In the event a Supermajority Decision fails to receive eight (8) or more aye votes, the motion shall be placed on the agenda and taken up again at the next regularly scheduled Commission meeting, or at a special meeting called for that purpose, if:
 - (1) At least one Commission member was absent from the meeting at which the Commission voted on the Supermajority Decision; and
 - (2) The number of Commission members who voted in favor of a Supermajority Decision plus the number of Commission members who were absent from the meeting at which the Commission voted on the Supermajority Decision is eight (8) or more.
- e. The process established in Paragraph d, if initiated by Paragraph b(1), will not occur if the application is withdrawn at the request of the applicant with the consent of the Commission.
- f. A Supermajority Decision that does not receive eight (8) votes and does not satisfy the criteria of Paragraph d shall be deemed a final action on the motion that was voted upon.

Section 8. Removal of Members. Any member of the Commission may be removed from the Commission for cause by his/her appointing authority. Cause shall be defined as inefficiency, neglect of duty, official misconduct, or malfeasance in office. The determination of cause by an appointing authority is final and binding.

ARTICLE II — OFFICERS

Section 1. Designation of Officers. The Officers of the Commission shall be a Chairperson, a Vice Chairperson, a Secretary and a Treasurer. There shall be such additional officers or assistant officers as the Commission deems necessary from time to time. Only Commissioners shall be eligible to

serve as officers of the Commission.

Section 2. **Selection and Term.** The Commission shall elect its officers at the commencement of each of its annual meetings. The officers so elected shall take office immediately and conduct the annual meeting at which they are elected. They shall hold their offices until the next annual meeting of the Commission or until they resign or have been removed in the manner hereinafter provided.

Section 3. **Removal of Officers.** Any officer of the Commission may be removed by a majority vote of all Commissioners. Removal of an officer shall be added to the next regular meeting agenda upon written request by any two Commissioners.

Section 4. **Vacancies.** If any office of the Commission becomes vacant for any reason, the Commission shall elect a successor to serve until the next annual meeting of the Commission, unless by at least eight members of the Commission, it is decided to wait until the next annual meeting to fill such vacancy.

Section 5. **Chairperson.** The Chairperson of the Commission shall preside, with full voting rights, at all meetings of the Commission and the Executive Committee. The Chairperson shall be responsible for seeing that the agenda for each meeting of the Commission is prepared. The Chairperson is authorized to sign or execute documents on behalf of the Commission. The Chairperson shall perform such other duties as are required of him/her by law or these Bylaws and as are assigned to him/her from time to time by the Commission. The Chairperson shall present to the Commission such matters as, in his/her judgment, require its attention.

Section 6. **Vice Chairperson.** In the absence of the Chairperson or in the event of his/her inability to act, or in the event of a vacancy in the position of Chairperson, the Vice Chairperson shall perform the duties of the Chairperson. The Vice Chairperson shall also perform such other duties as are required of him/her by these Bylaws and as are assigned to him/her from time to time by the Commission.

Section 7. **Secretary.** The Secretary of the Commission shall cause all records of the Commission, including its resolutions, transactions, findings, determinations and any other records required by law, these Bylaws and the Commission to be maintained as required by law. The Secretary shall execute all documents and papers of the Commission required to be countersigned. The Secretary shall also perform such other duties as are required of him/her by these Bylaws and as are assigned to him/her from time to time by the Commission.

Section 8. **Treasurer.** The Treasurer of the Commission shall cause the keeping of an accurate record of all receipts and disbursements of the Commission. The Treasurer shall also perform such other duties as are required of him/her by these Bylaws and as are assigned to him/her from time to time by the Commission.

ARTICLE III — BUDGET & PERSONNEL PANEL

Section 1. **Budget and Personnel Panel.**

a. The Budget and Personnel Panel shall be composed of

1. the Mayor of the City of Madison;
 2. the Dane County Executive;
 3. the President of the Dane County Towns Association;
 4. the President of the Dane County Cities and Villages Association; and
 5. the Chairperson of the Commission, who shall serve as a non-voting member.
- b. The Panel shall have, on behalf of and with advice of the Commission, the following powers:
1. to establish the levy and user fees and adopt the annual operating budget for the Commission. The Panel may adopt a levy less than the statutory maximum;
 2. to hire the Executive Director from a list of three candidates selected by the Commission; and
 3. to remove the Executive Director, at pleasure;
- c. The Panel may act on the business referred to in paragraphs b1. through b3. of this Section only at a meeting at which all four voting members of the Panel are present.
- d. At any time after the Commission has been in existence for one year following its creation by the Governor of Wisconsin, the Panel may, by a vote of three of its four members, change or transfer to the Commission its responsibilities referred to in paragraphs b2. and b3. of this Section.

ARTICLE IV — COMMITTEES

Section 1. **Designation of Committees.** The Commission shall have an Executive Committee, Personnel Committee, and such additional standing committees and other committees and subcommittees as it deems necessary for the accomplishment of its purposes. The responsibilities and authority of the Executive Committee and Personnel Committee shall be as set forth in these Bylaws, and responsibilities and authority of other committees shall be as assigned from time to time by the Commission.

Section 2. **Executive Committee.** The purpose of the Executive Committee is to provide advice and counsel to the Executive Director on management, budget, and personnel matters to the extent specified in this section. The Executive Committee is not intended to make recommendations on policy matters. The Executive Committee shall be appointed by the Commission. The Chairperson of the Commission shall serve as Chairperson of the Executive Committee. The Executive Committee (i) shall be responsible for seeing that a proposed annual budget is presented to each Commissioner on or about June 1st of each year, and the Budget and Personnel Panel on or about July 1st of each year; (ii) shall have the authority to approve or disapprove disbursements on behalf of the Commission; (iii) shall have the authority to approve transfers between expenditure line items of the adopted Commission budget; (iv) shall lead the performance evaluations of the Executive Director; and (v) shall have only such additional powers and responsibilities as may be specified from time to time by the Commission. In no event shall the powers of the Executive Committee extend to adoption of the annual budget, the amendment of any urban or limited service area, the voting of any appropriation, the adoption of any part of any plan for the Commission's region or the rendering of planning advice on regional problems. The Executive Committee shall report its action on all matters to the Commission at the next meeting of the Commission following the taking of such action. A majority vote of the members when a quorum is present shall be controlling on any matter voted upon.

Section 3. **Personnel Committee.** The Personnel Committee shall be appointed by the Commission. The Personnel Committee (i) shall review appeals made by Commission staff of disciplinary actions, including proposed terminations, taken by the Executive Director; (ii) shall review appeals made by Commission staff of decisions made by the Executive Director regarding employee grievances; (iii) shall administer exit interviews of employees who are leaving Commission employment; and (iv) shall consider for approval the hiring of staff. Decisions made by the Personnel Committee may be appealed to the full Commission upon request by the Executive Director or employee. A majority vote of the members when a quorum is present shall be controlling on any matter voted upon.

Section 4. **Advisory Committees.** The Commission may seek the advice and cooperation of interested individual citizens, public officials and agency administrators. The Commission may appoint such citizen and technical advisory committees as it deems necessary to the effective fulfillment of its purposes. Any local unit of government within the Commission's region which does not currently have an individual residing in its jurisdiction serving on an existing advisory committee may request that such an individual be so appointed.

Section 5. **Appointment to Other Boards, Commissions and Committees.** Appointment of Commission representatives to Boards, Commission and Committees of other entities shall be made by the Commission.

ARTICLE V — STAFF PERSONNEL

Section 1. **Executive Director.** The Commission shall have an Executive Director, whose appointment shall be made by the Budget and Personnel Panel under the provisions of Article III Section 2 of these Bylaws or, if the hiring authority of the Budget and Personnel Panel has been transferred to the Commission, shall be made by the Commission and such act shall require a Supermajority vote of 8 Commissioners. The Executive Director shall be the chief administrative officer of the Commission and shall serve at the pleasure of the Budget and Personnel Panel, or if the hiring authority of the Budget and Personnel Panel has been transferred to the Commission, at the pleasure of the Commission. The Executive Director, in consultation with the Personnel Committee, shall be responsible for the hiring and firing of staff, subject to Personnel Committee or Commission approval. The Executive Director shall (i) supervise, direct, and oversee the conduct and performance of staff; (ii) plan, organize and prioritize the activities of the Commission; (iii) develop and manage an annual budget and work plan to implement the goals and objectives of the Commission; and (iv) perform duties as assigned by the Commission and as described in the Executive Director position description.

Section 2. **Other Personnel.** The Commission shall establish such employee positions as it deems necessary for the fulfillment of the Commission's purposes and set the rate of pay and other compensation and benefits for such employee positions under the Executive Director. At no time shall any employee serve as a member of the Commission while working as a Commission employee. No Commission employee may be terminated by the Executive Director without the concurrence of the Personnel Committee.

ARTICLE VI — CONTRACTS

Section 1. **Nature of Contracts.** The Commission may enter into such contracts as are necessary to carry out its purposes and responsibilities and are not inconsistent with its authority under the laws of Wisconsin.

Section 2. **Execution of Contracts.** The Commission may designate from time to time the officers and agents who shall have authority to execute any contract or other instrument on behalf of the Commission, and such authorization may be general or limited to specific instances. Whenever the execution of any contract or other instrument has been authorized by the Commission without specification as to who is to execute it, the Chairperson (or in his/her absence the Vice Chairperson) shall execute the same on behalf of the Commission. The Secretary is authorized to countersign where countersignature is required.

ARTICLE VII — BUDGET AND FINANCES

Section 1. **Annual Budget.** As provided elsewhere in these Bylaws, the Executive Director shall work with the Executive Committee in the preparation of a proposed annual budget, which shall be presented to the Commission for review on or about June 1 of each year, and subsequently forwarded to the Budget and Personnel Panel on or about July 1 for final approval and adoption. The Commission Annual Budget shall be adopted by the Commission and the Budget and Personnel Panel prior to October 1st of each year. Adoption of the budget shall require a majority vote of all members of the Commission.

Section 2. **Deposits.** Subject to the provision for investments in Section 3 of this Article, all funds of the Commission, not otherwise employed, shall be deposited in such depository or depositories as are designated for this purpose by the Commission.

Section 3. **Investments.** Funds of the Commission not immediately needed for expenditure may be invested by the Executive Director, with the approval of the Treasurer, to the extent and in investments permitted the Commission under the law.

Section 4. **Execution of Checks.** All checks, drafts or other orders for the payment of Commission funds may be signed by the Executive Director and such other officers or agents as the Commission designates from time to time.

Section 5. **Authorization of Disbursements.** The disbursement of Commission funds for its ordinary and necessary operating expenses shall be approved by the Executive Committee, except that this Committee may delegate authority for the approval of such disbursements or certain of them to the Executive Director. When the Executive Committee does not meet, approval of disbursement of funds may be made by the Commission Chairperson or in his/her absence the Vice Chairperson of the Commission. No disbursements for items outside the ordinary and necessary operating expenses of the Commission or for payments on consulting contracts may be made unless approved by the Commission.

Section 6. **Compensation and Expenses of Commissioners.** Commissioners shall be reimbursed by the Commission for actual, reasonable and necessary expenses incurred as members of the Commission in carrying out the work of the Commission. They shall also receive a per diem compensation for a maximum of one meeting per day, regardless of the number of meetings attended in the service of the Commission. The per meeting compensation and mileage reimbursement of Commissioners shall be determined by the Commission.

Section 7. **Accounting Year.** The accounting year of the Commission for all purposes shall be the calendar year.

ARTICLE VIII - MISCELLANEOUS

Section 1. **Public Meetings.** Section 19.83 of the Wisconsin Statutes shall apply to all meetings of the Commission and its committees and subcommittees.

Section 2. **Meeting Procedural Rules.** Except where inconsistent with these Bylaws, Robert's "Rules of Order" shall govern the conduct of all meetings of the Commission and its committees and subcommittees.

Section 3. **Legal Compliance.** In the event that any part of these Bylaws should in any manner be contrary to or inconsistent with any provision of law or that of the resolutions adopted by the local units of government petitioning for Commission creation, such provision of law or resolutions shall prevail and these Bylaws shall be ineffective to the extent of such contradiction or inconsistency.

Section 4. **Seal.** The Commission shall have an official seal, which shall contain the following legend: "CAPITAL AREA REGIONAL PLANNING COMMISSION."

ARTICLE IX - AMENDMENT OR REPEAL

Section 1. **Procedure.** Any proposal for amendment or repeal of these Bylaws is a Supermajority Decision and must be first considered at a meeting of the Commission at which no action shall be taken on the proposal ("Introductory Meeting"). Action on the proposal, including any amendment thereof, shall be taken at the Commission meeting next following the meeting at which the proposal was first considered ("Actionable Meeting"). Amendments to the proposal introduced at the Actionable Meeting shall be considered at the following meeting.

The Bylaws adopted by the Commission on November 8, 2007.

/s/ Jeff Miller, Interim Chair

/s/ Kristine Euclide, Interim Secretary