

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

August 11, 2016

CCB Room 351, 210 Martin Luther King Jr. Blvd., Madison WI

6:15 p.m.

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Commissioners Present: Steve Arnold, Lauren Cnare, Mark Geller, Ken Golden, Kris Hampton, Paul Lawrence, Ed Minihan, Larry Palm (Chair), David Pfeiffer, Caryl Terrell

Commissioners Absent: Zach Brandon, Peter McKeever, Evan Touchett

Staff Present: Linda Firestone, Sean Higgins, Mike Kakuska, Sharon Knauf, Mike Rupiper, Steve Steinhoff

Others Present: Six members of the public (three members wanted to speak)

1. Roll Call

Chair Palm called the meeting to order at 6:15 pm. Quorum was established.

2. **Approval of Minutes of the July 14, 2016 Meeting (*actionable item*)**

Mr. Hampton moved to approve the minutes of the July 14, 2016, meeting; Mr. Lawrence seconded. The motion passed unanimously on a voice vote.

3. Public Comment on Matters not for Public Hearing

No members of the public wished to speak at this time.

4. Discussion of Budget & Personnel Panel (*note: any members of BPP present at this meeting are invited to speak and will be included in all discussions under this item*)

No members of the BPP were present other than Chair Palm.

5. Report of Chair / Discussion

Mr. Steinhoff and Chair Palm are trying to meet with all the appointing authorities about CARPC's structure, based on the discussion at the joint meeting that was held in April. They had separate one-on-one meetings with Jerry Derr and Jon Hochkammer to discuss towns, cities, and villages. Mr. Steinhoff and Chair Palm met previously with the Mayor of Madison and had a fundamental organizational discussion with him. A meeting with the Dane County Executive has not been scheduled as of yet. Chair Palm has requested that Mr. Steinhoff create a white paper with some options that the Commission could explore based on the comments from the appointing authorities.

6. Report of Deputy Director / Report and Discussion on Division of Community and Regional Planning Activities

Mr. Steinhoff gave a report based on the materials provided in the packet for item 6 on page 9.

7. Report and Discussion on Division of Environmental Resources Planning Activities

Mr. Rupiper gave a report based on the materials provided in the packet for item 7 on page 11.

- a. Update on Potential Future Amendments to Sewer Service Areas/Implementation of Past USA Amendments

Mr. Rupiper gave an update, which may be viewed at:

[https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC\\_081116/ERPD\\_Updates\\_081116.pdf](https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC_081116/ERPD_Updates_081116.pdf)

8. Future Agenda Items (Next meeting is September 8)

September 8th CARPC Meeting:

- a. A public hearing on an environmental corridor change in McFarland, which was discussed briefly at the August CARPC meeting.
- b. A public hearing on proposed changes to service area amendment fees

A public hearing at the October CARPC meeting will be held for a removal request of 120 acres in the Town of Albion that the applicant wants to put into farmland preservation.

Approval of CARPC Resolution 2016-11: Recommending to the WDNR Amendment of the Dane County Water Quality Plan by Adopting the Update of Appendix G: Dane County Groundwater Protection Planning Framework will be held at the January 12, 2017 CARPC meeting.

Agenda items #10 and #11 were moved ahead of item #9 due to the public hearing being scheduled for 7pm.

**PUBLIC HEARING**

9. Water Quality Management Plan Appendix G: *Dane County Groundwater Protection Planning Framework*

Mr. Rupiper stated that emails were received from the Dane County Towns Association and its members listing concerns about this appendix so staff's recommendation is to defer action on the adoption so that there is time to meet with these people to address their concerns and revise the report accordingly.

- a. Open Public Hearing to Take Testimony from Registrants; Close Public Hearing

Chair Palm opened the public hearing.

Three members of the public registered as interested parties:

1. Robert Procter (Realtors Association of South Central Wisconsin) – opposed item #9 and wished to speak
2. Tim Roehl (Realtors Association of South Central Wisconsin-Government Affairs) – opposed item #9 and wished to speak. Comment on card read "Wished to delay and give to PCAG Committee"
3. Brian Munson (on behalf of Veridian Homes) – was neutral on item #9 and wished to speak

Mr. Procter agreed with Mr. Rupiper's statement. Mr. Procter would like to have Rob Montgomery from Montgomery and Associates look at the report to give feedback and constructive comments for staff and the Commissioners. He only opposed the voting of the amendment tonight; he did not have a position yet on the merits of the amendment.

Tim Roehl agreed with Mr. Procter. There are many non-specific words in the document. We have to know from a real estate standpoint how is this going to impact on costs and possible affordability with Dane County housing, not just with single family but with multi-family and other types of products out there. Mr. Roehl requested a meeting with CARPC from a developers standpoint with the realtors, developers, and Smart Growth Greater Madison to find out, with Mr. Montgomery's help, what kind of a cost impact there will be because we need to know that for the marketplace. Mr. Roehl asked for a 90-day delay of the vote on this appendix.

Brian Munson of Vandewalle and Associates, principal designer of Juniper Ridge, would like to meet with staff to see how this will be implemented so that designers can understand from cost, physical, and regulatory standpoints in order to proceed appropriately. Additional time will give designers the opportunity to meet with staff and Commissioners on how this will be implemented because that is critical for creating successful partnerships, for plats, and for bringing neighborhoods online that can respond to the regulations that they need to.

All three members of the public requested that a vote on Appendix G be pushed back until the first CARPC meeting in 2017.

Chair Palm closed the public hearing.

- b. **Approval of CARPC Resolution 2016-11: Recommending to the WDNR Amendment of the Dane County Water Quality Plan by Adopting the Update of Appendix G: Dane County Groundwater Protection Planning Framework (actionable item, supermajority of 8 votes required for approval)**

Mr. Arnold moved to postpone this vote until the January 12, 2017 CARPC meeting; Mr. Golden seconded.

Ms. Terrell requested that Commissioners be given a briefing on any changes made to the amendment and then enough time to absorb the information, to include what pages were changed and what the implications of the changes are, in the kind of presentation that Mr. Kakuska has been giving the Commission. Also, if there is something significant, that no vote is taken that night.

Mr. Golden moved to amend the motion so that, if the Chair determines that there are significant changes to the amendment that need another public hearing, then the Chair is authorized to call another public hearing so that it is appropriately announced. Mr. Arnold seconded. The amendment to the motion passed unanimously on a voice vote.

The amended motion passed unanimously on a voice vote.

10. Report of the Executive Committee (moved ahead of item #9)

- a. **Recommendation for Approval: Separation of CARPC Actions on Amendments to the Dane County Water Quality Plan and the Dane County Land Use and Transportation Plan (actionable item)**

- b. **Recommendation for Public Hearing and Approval: Resolution Adopting New Service Area Amendment Fee Policies (actionable item)**

- c. Commissioners as independent contractors or employees

Chair Palm and Mr. Steinhoff gave an overview of the law pertaining to this issue and the discussion that Mr. Steinhoff had with CARPC's attorney.

- d. Chair responsibilities

Chair Palm reviewed the discussion that the Executive Committee had regarding the draft version of the Chair's position description. The Executive Committee will continue the discussion and in the future it will present a recommendation to the Commission regarding the salary of the Chair. The Chair will become an employee of the Commission due to the number of meetings he attends.

- e. Deputy Director job description and evaluation

Chair Palm reviewed the discussion that the Executive Committee had regarding this topic. The Executive Committee discussed the differences of the duties of the Deputy Director position and the Division Director position. The Committee decided to evaluate both roles together, and will use the standard CARPC evaluation form. There will also be a Commissioner questionnaire. The performance evaluation will be conducted in December.

Mr. Hampton moved to recommend items 10.a. and 10.b.; Mr. Geller seconded.

Mr. Golden moved to amend the document "Preferred Option for Revising CARPC USA Review Process Draft" used for item 10.a. by revising the phrase "through an annual process" in the second sentence of the first paragraph in the section titled "Preferred Option" to "through a process to be determined" so that the sentence and item #9 matched; Ms. Cnare seconded. The amendment passed unanimously on a voice vote.

Discussion ensued.

For item 10.b., Ms. Terrell suggested that (1) a table be created to show when fees are due, the total fee amount, and how fees are allocated over time; and (2) the definition of "actual costs" be included in the document.

Ms. Firestone asked if indirect costs would also be included in the fees. This will be investigated.

Mr. Golden requested that the minutes reflect the following: I have two points. One has to do with the discussion about looking at comp plans. First of all, I agree that, if we are going to have anything like a land use transportation plan, we obviously have to look at comp plans because, to a great extent, that is what we are basing it on. I think Mr. Hampton will agree with me on this. I think we need to be careful and proceed with that very cautiously because it was the former commission's review and approval of those plans that I think was one of the principle motivations for that commission's demise. I do think that we need to ask before we start. We need to have some sort of idea, not necessarily a fully worked out process, saying this what we want to do, why we want to do it, and what do you think before we start doing it. We should comment on plans to the extent that a plan might veer from what we have adopted as our goals and objectives or whatever we end up using as the plan, the way we articulate our vision. Secondly, as to the fees, I do not want to line item this but I think anything that is legal to put as a legitimate cost should be in the fees. Indirect, I think we talk about staff time, it is not just their hourly wage. It is their fully-loaded hourly cost. For example, if a person has x number of weeks of vacation, that is part of the cost. If a person has x number of days of training, the time they are away from their job is a fully legitimate cost, the administrative time. I am not going to line item this but I am just showing those as examples because I think we cannot make a profit over time and the fees have to bear some relationship to what our costs are. But I think there are many costs that can be applied to this and I think all of those should be whatever it turns out to be.

Chair Palm clarified that item 10.b. is the recommendation of the public hearing. The actual fees will be reviewed and discussed at the next CARPC meeting. What we will try to do is to amend or articulate what actual costs will be.

The motion for amended item 10.a. and unamended item 10.b. passed unanimously on a voice vote.

11. Sewer Service Extension Review Process (moved ahead of #9)
  - a. Presentation

Mr. Rupiper gave a presentation, which may be viewed at:

[https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC\\_081116/SewerExtReview\\_081116.pdf](https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC_081116/SewerExtReview_081116.pdf)

- b. Questions and Discussion

Discussion ensued.

Mr. Golden would like to have a discussion about the content of the water quality management letter (208 letter) at a more appropriate time.

12. Report and Discussion of Farmland Loss Mitigation Summary of Recommendations

Mr. Higgins gave a presentation, which may be viewed at:

[https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC\\_081116/FLM3\\_v04\\_081116.pdf](https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC_081116/FLM3_v04_081116.pdf)

Discussion ensued.

Mr. Arnold would like the minutes to reflect that we should be looking for opportunities to more level the playing field so that infill and redevelopment gets its due.

Ms. Cnare wanted to ask the staff or the Chair whether there is a policy or practice of having a small task force or sub-committee that might want to look at creating a sub work plan over the course of the year until we get to our next work plan so that, when we are ready to do the next work plan, we can fold some of this information back in. It feels like point one person hour per month for something is the allocation and how does the Commission change that without having a really good base plan.

The Chair has the authority to create ad hoc committees.

Mr. Minihan, Mr. Pfeiffer, Ms. Terrell, and Ms. Cnare volunteered to be on a smaller ad hoc work group to more focus these recommendations into discreet tasks.

Mr. Golden offered a suggestion that staff engage communities and somehow engage community planners in this process.

Mr. Minihan and Mr. Arnold both had community planners that could help the Commission in this process.

Ms. Cnare pointed out that this sub-committee should only be doing an administrative function, which is to look at these recommendations to decide which are timed properly for 2017, then put them in the work plan, and worry about implementation at a later date, which is when the community planners would be helpful.

Mr. Hampton agreed with Ms. Cnare and stated that, before the committee does anything, it should contact the farm organizations because state law will have to change at some point if the Commission really wants to preserve farmland. Farm organizations need to be urged to push the state capitol. If the Commission does all of this, the Commission is just spinning its wheels because it cannot get those people to push a change in state laws up the hill.

Chair Palm summarized the goal of the ad hoc group as being a guide to determine the priorities of the Commission for 2017 and subsequent years. There might have to be some research and some fact finding that the committee might need to do, but ultimately, at this point, what the Commission want is a smaller group of recommendations that the Commission can ask staff and our communities to pursue in 2017, 2018 and beyond.

Ms. Cnare requested that staff coordinate meeting dates that would be available for all sub-committee members to meet.

**13. Approval of Release of Farmland Loss Mitigation 3 Report for Public Comment (*actionable item*)**

Mr. Hampton moved to authorize the release of the Farmland Loss Mitigation 3 Report for public review and comment and setting a September 9, 2016, public hearing date; Mr. Pfeiffer seconded. The motion passed unanimously on a voice vote.

Ms. Cnare would like Mr. Steinhoff to send an email to outside parties and organizations that would have an interest in this public hearing. Chair Palm requested that the email also be sent to the Commissioners.

**14. Adjournment**

Mr. Hampton moved to adjourn; Mr. Minihan seconded. The motion passed unanimously on a voice vote. The meeting adjourned at 7:51pm.

Minutes taken by Sharon Knauf and Linda Firestone



