

MINUTES
of the
Capital Area Regional Planning Commission

September 8, 2016
(as revised on November 10, 2016)

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

6:15 p.m.

Commissioners Present: Steve Arnold, Lauren Cnare, Mark Geller, Ken Golden, Kris Hampton, Paul Lawrence (arrived 6:24pm), Peter McKeever, Larry Palm (Chair), David Pfeiffer, Caryl Terrell

Commissioners Absent: Zach Brandon, Ed Minihan, Evan Touchett

Staff Present: Aaron Krebs, Sharon Knauf, Mike Rupiper, Steve Steinhoff

Others Present: Three members of the public

1. Roll Call

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

2. **Approval of Minutes of the August 11, 2016 Meeting (*actionable item*)**

Mr. Geller moved to approve the minutes of the August 11, 2016, meeting; Mr. Pfeiffer seconded. The motion passed on a voice vote.

3. Public Comment on Matters not for Public Hearing

No members of the public were present for this agenda item.

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

Ms. Cnare requested that a list of outreach initiatives to be included in the Chair's report.

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.

Discussion ensued, with Commissioner participation on AGMV sub-committees being a point of discussion.

Mr. Golden would like the minutes to reflect the following: I believe that the MPO should, at least, be keeping the Commission informed of its activities. Perhaps we could put an item on our agenda every month to have an MPO progress report on the plan and invite the MPO staff to be here. I am sure they would be very appreciative of that and enthusiastically come.

Mr. Steinhoff handed out a report called *Regional Baseline Assessment*.

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 SAA Amendments

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

https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC_090816/ERPD_Updates_090816.pdf

8. Future Agenda Items (Next meeting is October 13)

At the October 13 meeting, there will be public hearings for the 2017 budget and Work Program as they are part of CARPC's annual cycle. There will also be an amendment to the Koshkonong Urban Service Area for removal of acreage.

At the next meeting Mr. Golden would like to discuss what our role is, specifically, in the MPO but, other than municipal plans, what other plans should the RPC be at least looking at and why are we not?

Mr. McKeever would like consideration of a formal written request to MPO to communicate and share information.

Agenda item #12 was moved ahead of item #9 due to the public hearing scheduled for 7pm.

7:00 PM Items for Public Hearing

9. Amendment Revising the Environmental Corridor Boundaries in the Central Urban Service Area in the Village of McFarland

a. Update to Water Quality Plan / Water Quality Impact Assessment Staff Presentation (Mike Rupiper

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

https://danedocs.countyofdane.com/webdocs/PDF/capd/2016/Misc/CARPC_090816/McFarland_EC_Presentation_090816.pdf

b. Question and Answer

Mr. Rupiper answered several questions from Commissioners Arnold, Hampton, McKeever, and Terrell.

c. 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. All three supported item #9 and were available for questions.

1. Brian Berquist (Town and Country Engineering, which works as the Village Engineers in the Village of McFarland)
2. Mark Shubak (Civil Engineer with Strand Associates-on behalf of Tom Gannon-Village of McFarland)
3. Tom Gannon (Gannon Construction Inc.), one of the developers.

Note: The following is a transcript of the public hearing.

Mr. McKeever asked the members of the public if there was anything they wanted to offer or add to the discussion that had already taken place.

Mr. Shubak said he would answer some of the questions that were deferred to the members of the public. One question was about the disposition of the utility that crosses the property. Mr. Shubak stated that utility was a buried 12-inch high pressure gas line. To speak to that, we actually are not proposing to change the existing grade. The intent is to maintain the current grade through the existing wetland. Part of that is dictated by regulations for wetlands. The DNR, in this case, regulates that wetland and we have communicated with the DNR about that. The intent is not to change the grade in the wetland.

Mr. Shubak continued: Along that same vein, the existing depth of the wetland is actually very flat, about 2 to 2 1/2 feet in depth from the lowest point in the wetland to the very outer perimeter. So it is very flat and not a lot of topographic relief within the wetland. I think that covers that line of questioning. The facilities will indeed be managed by the Village. They will be placed in a public out lot, including the wetland. Long-term responsibility for maintaining the stormwater facilities and the wetland will also be the Village's responsibility. The phosphorus loading from fertilizer was another concern. Mr. Rupiper might have spoken to this. The majority of the stormwater runoff that is generated from the

development is going to be collected and directed to stormwater management facilities. In this case they are all proposed to be bio retention facilities. A bio retention facility is a basin consisting of engineered soil and native plantings and plugs that actually can biologically treat urban runoff. So there is nutrient uptake that occurs. There probably is one lot where it may be a challenge to drain to one of these facilities but we have actually put a stipulation in our application for any lots that are not capable of draining to a defined public stormwater management facility that they will actually be required to collect that runoff from their lot and store it and manage it in a private raingarden. If that runoff cannot be directed to a stormwater management facility, there is an opportunity, if we have a case where the rear yard in one of these lots cannot drain into a bio retention facility, we may actually be able to have roof drainage that can be directed out to the street where it can be collected. The vast majority of the raw volume that is generated from the development is going to be collected and managed in a responsible way. The last question that came up was how do we monitor the wetland. That is a great question. Typically, when we have done restorations like this, one of the stipulations that we will have is to have a maintenance period, typically it is a three to five year maintenance period where the contractor who does the work to construct the wetland and to install the plantings is obligated to monitor it. That is part of their responsibility. There will also be a requirement, this is typically been the case with the other developments within the Village, upon 80% development of a primarily residential development, the developer and the contractor will be held to the responsibility of maintaining stormwater management facilities. In this case it would include the wetland.

Mr. Arnold: I see some relief here, some contours, so that the stormwater facilities will be above the elevation of the wetland, right? And then that drains into it naturally?

Mr. Shubak: Correct, that is right.

Mr. Arnold: The water that ends up in the wetland, is it generally recharge or evaporates or transpires?

Mr. Shubak: The water that is going to be fed to the wetland is going to drain over land. I will not say that it will be via discharge, a defined discharge pipe from each one of these stormwater management facilities into the wetland.

Mr. Arnold: Right. So now I am talking about the water that makes it to the wetland. It will not fill up infinitely. Will it generally recharge or will more of it evapo-transpire?

Mr. Shubak: It will recharge. The soils in this area are highly conducive. They perc well.

Mr. Arnold: I am thinking of the long-term nutrient cycle here. Even if the facilities have plants that are taking up these nutrients, then eventually they will die back each winter. Some of those will be released. You are probably not planning to harvest them to remove the nutrients. If they are burnt, the nutrients will be released in place. Have you considered covenants to require no fertilization of lawns, kind of level the playing field so no one can snicker at someone else's lawn, and require that they not apply phosphorous or nitrogen. We have had some nitrogen conversations recently in my city and that is something we are learning more about how important it is. I am thinking about protecting the ground water over decades of cycles.

Mr. Gannon: These are some similar questions that the developers were asked at the Village level. There was some discussion regarding that and I would say that I, as a developer, would be open to those suggestions from the Village or CARPC if a fertilizer ban is something we can incorporate into our restrictive covenants. It is something we would definitely consider.

Mr. Hampton: The new road that connects with MN, are there improvements made to MN?

Mr. Berquist: Eventually improvements are planned for Highway MN. The Village recently completed a reconstruction of MN from Holscher Road, which is the road towards the west. The project was stopped at Holscher Road partly because of the idea that there was going to be pending development likely, something happening at the Gannon property. Just recently that was an urban service area amendment in McFarland for this area immediately south, that was the school district there. The Village is waiting to see what is going to happen there before they push eastward with any improvements to MN. But everything to the west is intended to carry eastward. That would be two travel lanes, two bicycle lanes, and a multi-modal path along the edge of the road in this area.

Mr. McKeever: I was very glad to hear you mention bicycle lanes there. I have bicycled there, and I drove there today and it was very busy today and is a bad place for bicycles. It is really dangerous.

Mr. Berquist: There is a lot of good usage already of the facilities built westward.

Chair Palm closed the public hearing.

- d. **Approval of CARPC Resolution 2016-12-A Recommending to the Wisconsin Department of Natural Resources Amendment of the WDNR Areawide *Water Quality Management Plan for Dane County* by Revising Environmental Corridor Boundaries in the Central Urban Service Area in the Village of McFarland (*actionable item, supermajority of 8 votes required for approval*)**

Mr. McKeever moved to approve CARPC Resolution 2016-12-A; Ms. Cnare seconded.

Mr. Arnold moved to amend Resolution 2016-12-A under the recommendations, to include a #2, with the language to be crafted by staff, that basically recommends that the developer considers a fertilizer ban; Mr. Golden seconded. The amendment passed unanimously on a voice vote.

A roll call vote was taken of the amended main motion. Ayes: Commissioners Arnold, Cnare Geller, Golden, Hampton, Lawrence, McKeever, Palm, Pfeiffer, and Terrell. Absent: Commissioner Brandon, Minihan, and Touchett. The amended main motion passed on roll call vote.

- e. **Approval of CARPC Resolution 2016-12-B Amending the *Dane County Land Use and Transportation Plan* by Revising the Environmental Corridor Boundaries in the Central Urban Service Area in the Village of McFarland (*actionable item, supermajority of 8 votes required for approval*)**

Ms. Terrell moved to approve CARPC Resolution 2016-12-B; Mr. Lawrence seconded.

Mr. Arnold moved to amend Resolution 2016-12-B, in the recommendations section, to include a paragraph #2, with the language to be crafted by staff, that basically recommends that the developer consider a fertilizer ban; Mr. Golden seconded. The amendment passed unanimously on a voice vote.

A roll call vote was taken of the amended main motion. Ayes: Commissioners Arnold, Cnare Geller, Golden, Hampton, Lawrence, McKeever, Palm, Pfeiffer, and Terrell. Absent: Commissioner Brandon, Minihan, and Touchett. The amended main motion passed on roll call vote.

10. Revising CARPC Service Area Amendment Fee Policies

- a. Question and Answer

Discussion ensued.

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

Chair Palm opened the public hearing.

No members of the public registered as interested parties.

Chair Palm closed the public hearing.

- c. **Approval of CARPC Resolution 2016-13 Adopting Service Area Amendment Fees for the Capital Area Regional Planning Commission (*actionable item*)**

Mr. Golden moved to approve CARPC Resolution 2016-13; Mr. Hampton seconded.

Discussion ensued.

Ms. Terrell moved to refer CARPC Resolution 2016-13 back to the Executive Committee due to a request by Mr. McKeever to ask CARPC's attorney to review the fee for the removal of acreage from a service area. Ms. Cnare seconded. The motion failed on a voice vote.

Ms. Terrell moved to amend CARPC Resolution 2016-13 by raising the initial fee from \$2,500 to \$3,500 in paragraph 1.a.; Ms. Cnare seconded.

Discussion ensued, during which time a change from "\$2,500" in paragraph 1.b. to "\$3,500" was made part of the amendment by Chair Palm.

The amendment passed unanimously on a voice vote.

Mr. Arnold moved to amend CARPC Resolution 2016-13 by deleting "invoiced following receipt of the WDNR decision letter for the amendment, and will be due within 30 days" in paragraph 2 4.b.; Mr. Pfeiffer seconded. The amendment passed unanimously on a voice vote.

The amended main motion passed on a voice vote.

11. Report of the Executive Committee

- a. Potential changes to CARPC Bylaws to enable the Commission Chair to serve as an employee, in the absence of an Executive Director

Per Chair Palm, the Executive Committee has started to discuss revisions to the bylaws to allow Commissioners to become employees of CARPC. The revisions will need to be discussed more and then created at the next Executive Committee meeting.

- b. Update on Process for amending the Dane County Land Use and Transportation Plan by changing Sewer Service Area boundaries and integrating regional and local planning

This will be discussed at a future Executive Committee meeting due to a lack of time to discuss this month.

- c. Approval of September 2016 Disbursements and Treasurer's Reports for August 2016

The Executive Committee approved the September 2016 disbursements and treasurer's reports for August 2016.

- d. Authorize the Deputy Director to Renew the Financial Services Contract for 2017 with the Southwest Wisconsin Workforce Development Board

The Executive Committee authorized the Deputy Director to renew the financial services contract for 2017 with the Southwest Wisconsin Workforce Development Board.

12. **Amend CARPC Resolution 2016-07-A Recommending to the Wisconsin Department of Natural Resources amendment of the Areawide *Water Quality Management Plan for Dane County* by revising the Northern Urban Service Area boundaries and Environmental Corridors in the Village of DeForest, which was previously adopted on May 12, 2016 (*actionable item*)**

- a. In the paragraph that begins with "NOW, THEREFORE, BE IT RESOLVED" the words "Cottage Grove" need be corrected to "Northern".

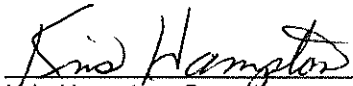
Mr. McKeever moved to amend CARPC Resolution 2016-07-A by stating "In accordance with the notice given in the call of this meeting, I move to amend CARPC Resolution 2016-07-A by replacing the words "Cottage Grove" with the word "Northern" in the paragraph that begins with "NOW, THEREFORE, BE IT RESOLVED". Mr. Lawrence seconded. The motion passed unanimously on a voice vote.

13. Adjournment

Ms. Cnare moved to adjourn; Mr. Lawrence seconded. The motion passed unanimously on a voice vote. The meeting adjourned at 8:09pm.

Minutes taken by Sharon Knauf

Respectfully Submitted:


Kris Hampton, Secretary