

Village of Shorewood Hills
Board of Trustees
Draft Meeting Minutes
Monday, February 19, 2007

1. **Call to Order** Mr. Hans called the meeting to order at 7:00 pm.
2. **Roll Call** Present were Board President Peter Hans and Trustees David Benforado, Joyce Bromley, Marilyn Townsend, and Mark Sundquist. Lori DiPrete Brown was excused. Staff present included Karl Frantz, Administrator, David Sykes, Emergency Services Coordinator, and Cokie Albrecht, Village Clerk. Approximately ten people were in the audience.
3. **Statement of Public Notice** Ms. Albrecht confirmed the meeting had been properly posted and noticed.
4. **Appearances and Communications**
 - A. **Shorewood League - Jody Fisher** Ms. Fisher did not address the Board this evening.
5. **Board Matters**
 - A. **Public hearing on First Unitarian Society application for a conditional use permit to allow for new construction and remodeling of property located at 900 University Bay Drive** Mr. Hans opened the public hearing at 7:02 pm. He explained that the Plan Commission unanimously approved the First Unitarian Society's conditional use permit application with conditions. If the Trustees wanted to change the conditions stipulated by the Plan Commission, a super majority of the Board members would be required. Vince Micha, project architect with Kubala Washatko Architects, described the proposed remodeling and additions to the Unitarian Society buildings. Mr. Hans then opened the hearing to comments from the public. Eleanor Munson wondered if the project would include the removal of the pipes running from the Unitarian property to the Ronald McDonald House parking lot. Mr. Micha replied that if the pipes belong to the Unitarian Society and handle stormwater, the water will be redirected to one of the proposed rain gardens. The project will reduce the amount of impervious surface so the volume of stormwater run-off will be reduced. Mr. Hans said the Plan Commission members were impressed with the proposed stormwater management measures. Dane County and the WI Department of Natural Resources also must approve the project's stormwater and erosion control efforts. Mr. Micha said he anticipated the proposed measures will exceed the County and State requirements. Mr. Hans said the Plan Commission's findings about the project included: it must meet the Village's night illumination ordinance standards; members were pleased no permanent fencing was proposed; refuse pickup will occur on the same day as the residential pickup in the Village; during construction access will only be from University Bay Drive; and the project will adhere to all setback and yard regulations. The Plan Commission's conditions require that minimally 86 parking spaces will be maintained on the site and the First Unitarian Society must provide proof at the completion of the construction and each year afterward that agreements will be in place to provide for at least 150 additional parking spaces within one half mile of the property. The Society plans to use spaces on the VA lot. Laurie Irwin, House Director at Ronald McDonald House hopes to work with the Unitarian Society to coordinate water retention

efforts. The Ronald McDonald House plans to replace the fence between the two properties with one with a gate. Ms. Irwin is comfortable with the project as presented. Mr. Hans closed the public hearing at 7:32 pm.

i) Board action granting, denying or modifying conditional use permit application submitted by the First Unitarian Society

Mr. Hans moved and Mr. Sundquist seconded a motion to approve the conditional use permit for the First Unitarian Society project as recommended by the Plan Commission. Mr. Benforado suggested that the conditions of the permit should include provisions to resolve the issues of the stormwater discharging onto the Ronald McDonald property. Ms. Bromley was concerned about the parking issue and its impact on residents on University Bay Drive. Have they attempted to identify parking on Marshall Court or considered underground parking? Response: the VA parking more than accommodates the Society's parking needs. The drivers who now rent the 37 spaces the project will eliminate will need to find another space, perhaps on campus. It would be prohibitively expensive to build underground parking. After discussion, Mr. Hans amended his motion to approve the conditional use permit for the First Unitarian Society project as recommended by the Plan Commission with the additional requirement that the First Unitarian Society will redirect the pipes on First Unitarian Society property so as to not directly discharge onto the Ronald McDonald House property. Mr. Hans reminded the Board that since the motion is different from the recommendation of the Plan Commission, the vote would require a 4 to 1 affirmative vote. Motion passed unanimously.

C. Old Business Ordinances (item taken out of order)

i) Consider third reading of an ordinance L-2006-14 creating a Stormwater Utility

Mr. Sundquist was concerned about Section 24-11, "Adjustments." To keep the Board's options open, he thought it was not necessary to detail the adjustments at this time. The Board could adopt resolutions that would outline the adjustments later. Presently the ordinance contains no provisions for credit for efforts made by homeowners to reduce run-off. Mr. Hans moved and Mr. Sundquist seconded a motion to approve the third reading of ordinance L-2006-14 creating a Stormwater Utility with Paragraph 1 A and B of Section 24-11 deleted. Motion passed unanimously.

ii) Consider third reading of an Ordinance l-2006-15 amending Section 1.02 (3) of the Municipal Code creating 1.02(3)(d) requiring the Municipal Judge to be an attorney licensed to practice law in the State of Wisconsin

Ms. Townsend moved and Mr. Benforado seconded a motion to approve the third reading. Motion passed unanimously.

iii) Second reading of an ordinance L-2007-1 authorizing the appointment of alternate members to the Board of Review

Ms Townsend moved and Mr. Sundquist seconded a motion to approve the second reading of ordinance L-2007-1. Motion passed unanimously.

D. New Business Ordinances

i) First reading of an ordinance L-2007-2 amending Section 108 of the Village code related to ethics

The Ethics Task Force members unanimously recommended that the Board adopt the proposed ethics code. Mr. Sundquist had concerns about the pool—what happens if a Village Board is made up of several pool members and when they recuse themselves, lose quorum? Millard Susman, Chairperson of the Ethics Task Force, said that after lengthy deliberation, the members agreed there would be a conflict of interest if a Trustee, who is also a pool member, voted on a pool issue that had a substantial impact on the Trustee. In this manner the Committee could not differentiate between membership in the pool, marina, or

Blackhawk Country Club. The Ethics ordinance is the Task Force's effort to balance differing perspectives. The code is designed so that decision-makers reach conclusions based on the right thing, not personal interest. Mr. Susman said that the Task Force wanted to develop language that did what an ethics code is supposed to do: provide confidence in the governing process in the Village. The members at the same time did not want to impose a burden of detail and administration. If the recusal of Board members affected quorum, that is a parliamentary issue, not an ethical one. Mr. Hans said he felt the Plan Commission members should be included in the definition of "official" since they can impose a requirement of a "super majority" vote by the Trustees. Ms. Townsend said that regarding the pool, as a Trustee she may have a responsibility to keep rates down for all residents, not just pool members, so all who want to use the pool can afford to. If the Board can't vote on pool matters, they may be giving more authority to the pool committee, including non-resident members. She was further concerned that this ordinance may require some of the Trustees to give up the right to oversee that substantial Village asset. She feels the pool is different from Blackhawk Country Club. Frank Remington, as a member of the Ethics Task Force, replied that the ordinance only requires officials to recuse themselves on matters in which they have a "direct personal interest." Mr. Hans moved and Mr. Sundquist seconded a motion to adopt the first reading of ordinance L-2007-2 with the proposed Committee comments and examples but with the revision of Committee Comments #3 so that it reads: "Official" includes "elected officials," ~~and~~ "appointed officials," and "*members of the Plan Commission*" as defined in Village ordinances Sections 1.02, 1.03, and *1.04*" (italics indicate words added). Motion passed unanimously. The Trustees asked Mr. Susman and Steve Nicks of the Ethics Task Force to prepare an example or comment that clarifies that Board members can vote on issues in which they have no direct personal interest.

E. New Business Resolutions and Motions

i) Authorizing agreement for 2007 assessment services Mr. Benforado moved and Mr. Sundquist seconded a motion to approve the reappointment of Paul Musser as Village Assessor for one year and that a request for proposals from assessors will be completed in 2007. Motion passed unanimously.

iii) Payment of Bills in the amount of \$148,044.96 (item taken out of order) Mr. Sundquist moved and Mr. Benforado seconded a motion to approve the payment of bills in the amount of \$47,123.87 for the end of January and \$100,921.09 for February for a total of \$148,044.96. Motion passed unanimously. Mr. Frantz reviewed some of the February expenses: the Village will now be renting storage space from Degen and Associates; a request for proposals from waste haulers will be completed in 2007; staff is tracking expenses incurred for plan review assistance provided by Village consultants; digital video cameras were installed in police cars by Chief Denny Pine; the Fire Department command vehicle was purchased.

6. Appointments

i) Gary L. Johnson - Public Health and Safety Committee Mr. Benforado moved and Mr. Sundquist seconded a motion to appoint Gary L. Johnson (3010 Harvard Drive) to the Public Health and Safety Committee to replace Bob Wolfe. Motion passed unanimously.

ii) Gary R. Johnson - Personnel Committee Ms. Townsend moved and Ms. Bromley seconded a motion to appoint Gary R. Johnson (3536 Tally Ho Lane) to the Personnel Committee to replace Bob Wolfe. Motion passed unanimously.

Mr. Hans noted that Franz Backus is stepping down from the Public Works Committee since he is moving from the Village.

Mr. Hans moved to appoint the following to the Stormwater Management Task Force: Bob Hurley, Derek Lancashire, Sue Denholm, Bill Muehl, Cheri Carbon, Millard Susman, Carolyn Benforado, David DeVito, Joyce Bromley, John Hoopes, Kerry Mann, Laurie Irwin, J. Tom Young, Bill Thomas, Ward Wixon, Randy Clark, Tim Peckham, Nancy Heiden, Libby Lewis, Mark Redsten, Jeannie Roberts, Nancy Doll, and Lydie Hudson. Mr. Sundquist seconded the motion. Motion passed unanimously.

7. **Reports of Officials and Committees**

A. President's Report

i) Discussion of February 19 Board Retreat Mr. Hans said the Trustees agreed that Village committees should follow the recommended format for agendas and minutes. Ms. Bromley said that she would like to see up front the committees' recommendations for Board action. She also feels that dissenting opinions should be included in the minutes. There was discussion of restructuring the committees. Mr. Frantz says that possible combinations would be Public Works and Services; Parks and Recreation; Public Health Safety and Traffic; Personnel and Finance. Possibly Communications and Telecommunications could be retired. Golf could become a program. Blackhawk Country Club could be task force. Waterfront could be a program though it functions similarly to pool. The Board agreed that information about the proposal to streamline the committee structure should be included in the Bulletin and that the committees should be contacted for their feedback.

ii) Candidates forum scheduled for March 18 Mr. Hans reminded the Trustees that the Candidate's forum is scheduled for March 18 at Village Hall. The League of Women Voters is sponsoring the event and will set the time.

B. Administrator's Report

i) ATT Project Lightspeed and potential Village impacts Mr. Benforado said that ATT is seeking Village permission to install three large boxes, with their own HVAC systems included, on Village property. The boxes will allow the company to provide what it identifies as "video services." ATT will compete with Charter. Section 8 of the franchise agreement the Village presently has with Charter says that any other provider of cable television is welcome to come into the Village to compete for customers. However, those companies must abide by all the conditions of the agreement between the Village and Charter. ATT says it is willing to give the Village a franchise fee of 5%, per the agreement. It is not willing, however, to guarantee universal service. Charter could say that if the Village were to allow that, the Village would be in violation of its franchise agreement. The Trustees anticipate the Village will be hearing more of this issue in the future.

ii) Conflict of March 19 Board meeting with Court To avoid a conflict with court previously scheduled to be held in the Board Room, the Trustees agreed that the Board meeting on March 19 will be held in the small conference room adjacent to the Board Room.

E. New Business Resolutions and Motions (item taken out of order)

iv) Compensation, performance evaluation data for seasonal, part time employees, Village Administrator and other staff Ms. Townsend said that the Personnel Committee did not have an opportunity to consider these items and she would like the matter to be held over to the March Board meeting.

7. **R. Golf Committee (item taken out of order) No report.**

Q. Blackhawk Liaison Committee (item taken out of order) No report.

B. Administrator's Report (item taken out of order)

iii) Forestry Gold Leaf Award Mr. Frantz said that the Village was given the award by the International Society of Arboriculture for the 2006 Arbor Day activities at Shorewood Hills School. The award is a great honor--only two are given in the state each year. The Trustees commended Forester Corey George and Jody Lampe, Village resident and teacher at Shorewood Hills School, for organizing the Arbor Day celebration.

iv) Status of water damage at pool Mr. Frantz reported that a valve at the pool was not shut properly and in a twelve-hour period the basement of the pool building was flooded. The damages of \$50,000 or more will be covered by the State of Wisconsin Local Government Property Insurance. The insurance deductible is \$2,500. The Village will be able to replace equipment that was 10 or 15 years old.

v) Discuss future course of action on Village Hall renovation, salt storage facility Mr. Frantz said that he would like direction from the Board on how to proceed with the Village Hall renovation. The Trustees agreed that the Services Committee should work on the project.

P. Personnel Committee (item taken out of order) Will meet March 11.

Ms. Townsend left the meeting at 10:05 pm.

5. **B. Consent Agenda** (item taken out of order)

i) Minutes from the January 22, 2007 Board meeting Mr. Benforado felt item 4E.ii. in the minutes, regarding the Capital Budget, needed to be corrected. The chipper and Heiden Haus/4 Corners storage of \$28,500 and \$60,000, respectively, should be moved from the "Deferred Projects" category to the adopted Capital Plan. The plow truck, at a cost of \$65,000, should be taken off the Deferred Projects list. The only item remaining in the Deferred Projects category is the street project of \$4,280,000. The total capital budget would then be \$1,389,500. Mr. Benforado moved and Mr. Sundquist seconded approval of the January 22 minutes with those changes. Motion passed unanimously.

ii) Operator's License None to consider.

iii) Transient Merchants License None to consider.

E. New Business Resolutions and Motions (item taken out of order)

ii) Consider amendments to 2007 capital plan and authorize staff to initiate borrowing alternatives for Board consideration Mr. Sundquist reviewed the draft minutes of the February 14 Finance Committee meeting. The Committee recommended that the Trustees increase the amount they anticipate borrowing for projects identified in the 2007 Capital Budget from \$1,389,500 to \$1.4M. Further, the Finance Committee recommended that the Board authorize the Committee and staff to prepare a \$1.4 M "draw down" note. The loan would allow the Village to withdraw up to \$1.4M as expenses for approved capital projects need to be paid. Whatever money is left at the end of the year would be rolled into a 10 year term loan. After discussion, Mr. Sundquist moved and Mr. Benforado seconded a motion to authorize the Finance Committee and staff to initiate borrowing \$1.44M through a draw down note to be used as approved capital projects are paid for. Further, the motion amended the 2007 Capital Plan to include \$40,000 for Roads Program Engineering. The total of the Capital Plan

projects would then be \$1,429,500. Motion passed unanimously. The 2007 Capital Plan, with this amendment, is:

**2007 Village of Shorewood Hills Capital Budget
(amended 2/19/07)**

Stormwater Engineering	\$35,000
Engine 1	150,000
Squad 5	130,000
Street sweeper	125,000
Fire/DPW Building remodel	345,000
Exterior of Village Hall	250,000
Speed Board	11,000
Beach House roof	15,000
Streetlights	15,000
DPW salt storage	150,000
Stormwater Projects	75,000
Chipper	\$28,500
Heiden Haus/4 Corners	60,000
Roads program engineering	40,000
TOTAL	1,429,500

7. **C. Shorewood Hills Resident Business Professional Association** (item taken out of order)
Ms. Bromley thanked Mr. Hans for addressing the Committee at its meeting on January 25. Mr. Frantz will speak at the next meeting, scheduled for March. The association has agreed to meet as a body every other month; on alternate months, the focus groups will meet separately.
- D. Joint West Committee** Report included in the Board packet.
- E. Finance Committee** Mr. Sundquist reported that the Village's undesignated fund balance is good, Village debt is low, the Committee anticipates that the TIF will close in 2007. The next meeting will be March 15.
- F. Public Works Committee** No report.
- G. Services Committee** No report.
- H. Ad Hoc Public Works Facility Committee** No report.
- I. Traffic Committee** The residents on Wood Lane have requested that the Village consider changing the north end of the street into a cul de sac. The Committee will meet on site March 6 to look at the proposed reconfiguration.
- J. Public Health and Safety Committee** Draft minutes of the February 5 meeting are included in the packet. The Committee recommended that the Board make arrangements so that the space at Village Hall vacated by M & I Bank at a minimum is made available as a police interview room. This will bring the police into compliance with state law.
- i) Discuss Village Application for a Safer Routes to School grant** Mr. Frantz said the initial

plan was to request grant funds to improve Columbia Road from Amherst to Sweetbriar Road. However, since the minimum grant award is \$25,000, the Village will look into also including in the grant application money for bump outs, elevated crosswalks and replaced sidewalks on Shorewood Blvd and improvements to other sidewalks in the Village. The Trustees suggested looking at improving the intersection of Bowdoin and Oxford Roads. They anticipated University Housing and Shorewood Hills School would lend their support for those measures.

K. Pool Committee No additional report.

L. Recreation Committee No report.

M. Parks Committee No report.

N. Stormwater Committee The new task force will meet for the first time February 21.

O. Plan Commission Mr. Sundquist reported that Guy and Courtney Comer, the owners of the property at 3534 Lake Mendota Drive, presented their request for a conditional use/special exception permit. They plan to remove the existing house on the lot and replace with a house that is 8,600 square feet in size. This is 95% more than the 4,600 square feet allowed by the floor area ratio ordinance. The plans included more energy efficient appliances and efforts to retain stormwater run-off and preserve trees. The house as proposed will stretch across three lots. Mr. Frantz will look into preparing an ordinance that prohibits the combining of lots to build one large residence. Mr. Hans said that the floor area ratio ordinance was intended to lead to smaller houses on smaller lots and larger houses on larger lots, but larger only to a point.

7. Adjourn Mr. Hans adjourned the meeting at 10:37 pm.

Respectfully submitted,

Colleen Boyle Albrecht
Village Clerk