

**Village of Shorewood Hills**  
**Board of Trustees Meeting**

Draft Meeting Minutes  
Monday, November 23, 2009

1. **Call to Order** Village President Mark Sundquist called the meeting to order at 7:01 pm.
2. **Statement of Public Notice** Mr. Frantz confirmed the meeting was properly posted and noticed.
3. **Roll Call** Members of the Board present were Mr. Sundquist and Trustees Marilyn Townsend, David Benforado, Felice Borisy-Rudin and Tim Rikkers. Joyce Bromley and Bob Hurley were excused. Staff members present were Village Treasurer David Kuenzi, Administrator Karl Frantz, Fire Chief Keith Anderson, Department of Public Works Head Denny Lybeck, Police Chief Denny Pine, Emergency Services Coordinator David Sykes and Village Clerk Cokie Albrecht. Approximately 11 visitors were in the audience.
4. **Procedure Orientation** There was none this evening.
5. **Appearances and Communications** Mr. Sundquist thanked Ms. Townsend for serving as substitute Board President in his absence.
6. **Board Matters**
  - A. **Payment of bills** Mr. Frantz said the Stafford Rosenbaum memo dated November 18, 2009 included in the Board packet explains the firm's monthly billing. Their invoices do include the total for each case—if a case runs over several months, the bill reflects a running total; most prosecutions are resolved within a month, however. Mr. Benforado moved and Mr. Sundquist seconded a motion to approve the payment of the end of October bills in the amount of \$87,348.77, and \$350,880.85 for November expenses, for a total of \$438,229.62. Motion passed unanimously.
  - B. **Consent Agenda**
    - i) **Approve October 19, 2009 minutes**
    - ii) **Approve Class B Liquor License for Laredo's at 4000 University Avenue**

Ms. Townsend requested the removal of the minutes of the October 19, 2009 Board meeting from the Consent Agenda. Mr. Rikkers moved and Mr. Benforado seconded a motion to approve the remaining item on the Consent Agenda. Motion passed unanimously.
7. **Reports of Officials and Committees**
  - B. **Village Administrator**
    - i) **Request for direction on problem dirt pile and extent of Village involvement** (agenda item taken out of order) Mr. Frantz summarized the issue: a pile of dirt in the backyard at 933 University Bay Drive encroaches on the property next door at 935 University Bay Drive. The owners of the latter property, Maria Fabbrocini and Peter Nichol, would like to fence their backyard but the dirt pile precludes this. The owners of the dirt pile, Charlie and Dawn Palit, are not interested in moving it—they consider it part of the landscape and a play area for their grandchildren. After discussion, Ms. Fabbrocini said she would move the dirt on her side of the lot line. The Trustees instructed the Palits to move the portion of the dirt pile in their yard three feet from the Nichol/Fabbrocini property and to install erosion control measures to ensure the dirt pile does not erode back onto the property next door.
6. **Board Matters**

**C. Public Hearing on 2010 Village budgets and proposed tax levy** Mr. Sundquist opened the Public Hearing at 7:46 pm. Mr. Frantz gave an abridged version of the budget presentation he had provided at the informational meeting on November 9, 2009. Comments from those in attendance included: Ann Hauck, 3512 Blackhawk Drive: Taxes in the Village are high and a hardship for many residents, particularly seniors. She was disappointed more residents were not at the meeting tonight to comment on the budget. Charlie Palit, 933 University Bay Drive: has consideration been given to broadcasting or televising the meetings? The Trustees responded that they find it helpful to have residents at the meeting so there can be a face-to-face exchange.

**i) Close Public Hearing** The hearing was closed at 8:22 pm.

**ii) Resolution R-2009-15 adopting Village General, Water, Sewer, Stormwater, Marina, Pool and Debt Service Budgets and set the tax levy** The resolution included in the Board packet was revised to change the tax levy from \$2,105,818.73 to \$2,102,878 since the former figure incorrectly included the tax increment levy. Further, the last 5 decimal points in the tax rate were dropped. Mr. Benforado moved and Mr. Ridders seconded a motion to approve Resolution R-2009-15 adopting the budgets as presented and setting the general fund tax levy for 2009 taxes payable in 2010 at \$2,102,878 with a corresponding local tax rate of \$4.5647 per thousand. Motion passed unanimously. The Capital Budget will be considered at a later date.

**D. Public Hearing on Village of Shorewood Hills' Comprehensive Plan** Mr. Sundquist opened the Public Hearing at 8:45 pm and provided an overview of the several-year process to develop the plan. Ben Zellers of Vierbicher Associates reviewed the plan's components. Comments from those in attendance: Charlie Palit, 933 University Bay Drive wondered how many residential units are anticipated in the areas designated mixed use. Mr. Zellers said the plan does not specify; it will depend on the development proposals that are received in the future. At that time the Village can determine if the mix proposed is appropriate. Mr. Palit said the Village must be cognizant of the importance of keeping a balance of residential types. Mark Lederer, 3447 Edgehill Parkway: what is the mechanism to amend the plan later? Will it be cumbersome? Mr. Sundquist replied that the State Statute was written to make the revision of the plan difficult. An amendment process would be similar to the Plan's adoption, requiring numerous public hearings and extensive discussion. David Yaeger, 3910 University Avenue: what was the cost to develop the plan? Mr. Frantz said the total of the efforts over the several years was approximately \$100,000. Mr. Yaeger wondered if the plan included anything but common sense. He noted that although the plan discusses University Avenue at length, it does not address the development of the golf course. Mr. Sundquist said that it would not be productive for the plan to speculate about the golf course since the Blackhawk Country Club lease runs to 2025. It could be detrimental to the Club to try to predict its future. Ann Hauck, 3512 Blackhawk Drive expressed her disappointment in the inappropriate development in her neighborhood in Florida and cautioned the Board to avoid making similar mistakes. Home values in the Village are determined by its character and natural ambiance, and the Village needs to protect them. She said real estate in Shorewood Hills is desirable. The Village should realize it has the opportunity to be very selective and allow only the very best quality development to occur here. Ms. Borisy-Rudin asked what impact the proposed commuter rail will have on the desirability of housing near the tracks. Mr. Zellers replied that if the Village insists on high quality mixed use development, the proximity of the train will be an attraction. Mr. Sundquist said the plan does not require the development of residential units in the mixed use areas, if in the future that does not seem a viable use of the property. Bill Thomas, 3230 Tally Ho Lane said the plan does not comply with the housing portion of the Smart Growth Law. There is nothing in the Plan that is binding: in the goals, objective and policies of the Plan the verbs are "may or should" not "shall or will." As a result the goals, objectives and policies are optional. To address this issue he feels the Plan should include: 1) the Smart Growth Law's mandates regarding housing and adopt those mandates as goals; 2) a calculation of the Village's share of Dane County's housing need (for low and moderate income,

special needs, and senior housing), the extent of the gap in meeting those needs, and how the Village will close the gap; 3) the steps the Village will take to promote the development of low and moderate income housing.

**i) Close the Public Hearing** Mr. Sundquist closed the Public Hearing at 9:46 pm.

#### **E. Ordinances**

**i) First and possible second reading of an ordinance L-2009-7 adopting Village Comprehensive Plan** Mr. Zellers said that although the section on housing could be strengthened, he felt the Plan does comply with the Smart Growth Law. After discussion, Mr. Zellers was asked to revise Chapter 10, Section 2.2 on page 126 to include the interpretation of recommendations, along with goals, objectives, and policies. The section will clarify that policies will be interpreted as mandatory and recommendations will be interpreted as discretionary. Mr. Ridders moved and Ms. Townsend seconded a motion to approve the first and second readings of Ordinance L-2009-7 adopting the Comprehensive Plan with the discussed revisions to Chapter 10, Section 2.2. Additionally, Chapter 10, Section 3.3 (c) will be revised to say that at the preliminary review of a proposed amendment, the Plan Commission will determine if the amendment is in the public interest and if it is internally consistent with the remainder of the plan. Additionally the Neighborhood Plans will be included in the document. Motion passed unanimously.

**ii) First reading of Ordinance L-2009-8 amending section 8.01 and Section 8.02 of the Village Code referencing adoption of State Statutes pertaining to the possession of drug paraphernalia** Ms. Townsend moved and Mr. Benforado seconded a motion to approve the first reading of Ordinance L-2009-8. Motion passed unanimously.

#### **F. New Business Motions and Resolutions**

**i) Consider setting Public Hearing on Pyare Square P.U.D. rezoning request for December or other date** David Bornstein of Andover Hill Investments presented plans for the demolition of the Pyare Square building and the construction of two apartment buildings and 12 townhouse units. The first phase of the project would be the construction of 88 one, two and three bedroom Section 42 apartments in an eight story building on the present site of the Pyare Square building. The housing would be available to moderate income individuals and families (to qualify for the housing, their incomes would be in the range of 50% to 60% of the Dane County median). The second phase would be a four story building to the north of the first, with a mix of 46 units of market rate and Section 42 apartments. When the condo market improves, the third phase will be the construction of the townhouses along the bike path. Ms. Townsend moved and Mr. Ridders seconded a motion to set a public hearing on the rezoning request at the next Board meeting. Motion passed with a 4 to 1 vote with Mr. Benforado voting no. He felt the timeframe that Mr. Bornstein must comply with to receive State approval is too short to adequately vet the proposal. The Trustees asked staff to send a mailing to all residents in the Village notifying them of the opportunity to comment on the plans at the Plan Commission meeting on December 8, 2009 and the next Board meeting.

**iii) Set date for December 2009 and January 2010 board meetings** (agenda item taken out of order) Ms. Townsend moved and Mr. Sundquist seconded a motion to move the December Board meeting to Tuesday, December 15, 2009 and the January Board meeting and Caucus to Tuesday, January 19, 2010. Motion passed unanimously.

#### **B. Consent Agenda**

**i) Approve October minutes** Ms. Townsend asked that item 8.K. be revised to read "...they ~~are considering~~ *recommending* a raise of the grid plus 1% which will result in a wage increase of approximately 3%" (strikethroughs indicate words deleted; italics indicate letters added). Ms. Townsend thought the timing of the arbitrator's review of the Blackhawk Country Club deck conflict as outlined in item C.v. was incorrect. The tape of the October 19, 2009 Board meeting will be reviewed to determine the correct wording\*. Approval of the minutes of that meeting was delayed until the December meeting.

\*(After review of the tape of the meeting of October 19, 2009, item 6.C.v. was revised to read:

**v) Selection of arbitrator to decide whether there was a conflict of interest in some Board votes on the construction of a deck at the Blackhawk Country Club** Mr. Frantz described the process he used to identify the three individuals asked to provide proposals to serve as arbitrator. After discussion, the Trustees agreed that Terry Peppard will be asked to serve as the arbitrator. They further agreed that Mr. Peppard would be instructed to base his decision on written materials provided him. Therefore, by December 15, 2009 the Trustees will submit to Mr. Frantz all written materials they would like Mr. Peppard to consider. Staff will then share the information collected with all Trustees so they will have an opportunity to respond by January 5, 2010. The collected information will be forwarded to Mr. Peppard. ~~by January 15, 2010.~~ He will be asked to have a ruling ~~within 30 days as quickly as possible.~~ (strikethroughs indicate words deleted; italics indicate words added)

**F. New Business Motions and Resolutions**

**ii) Consider response to Arbitrator's questions and comments regarding pending arbitration of BCC deck issue** Ms. Townsend distributed a memo dated November 23, 2009 responding to questions posed by Terry Peppard, the arbitrator selected to hear the conflict about the Blackhawk Country Club deck. Mr. Frantz will forward it to Mr. Peppard.

**iv) Acknowledge receipt of agreed upon procedures concerning BCC revenues** By consensus, the Trustees acknowledged and accepted the preliminary report prepared by Baker Tilly Accountants.

**G. Appointments** There were none this evening.

**8. Reports of Officials and Committees**

**A. Village President** Nothing to add.

**B. Village Administrator**

**i) Request for direction on problem dirt pile and extent of Village involvement** Discussed earlier in the meeting.

**ii) Response of Village Attorney regarding prosecution costs** Discussed earlier in the meeting.

**C. Finance Committee** Nothing to add.

**D. Plan Commission** Nothing to add.

**E. Personnel Committee** Nothing to add.

**F. Traffic Committee** Nothing to add.

**G. Parks Committee** Mr. Ridders said the Committee is completing the tree ordinance.

**H. Pool Committee** Minutes are in the packet.

**I. Services Committee** Nothing to add.

**J. Public Works** Nothing to add.

**K. Public Health and Safety** Nothing to add.

Ms. Borisy-Rudin said it is difficult to get a quorum of the Recreation Committee and that the Trustees may want to consider eliminating it as a committee.

**9. Adjourn** Meeting adjourned at 11:46 pm.

Respectfully submitted,

Colleen Boyle Albrecht,  
Village Clerk