

Village of Shorewood Hills
Board of Trustees Meeting

Draft Meeting Minutes
Tuesday, December 15, 2009

1. **Call to Order** Village President Mark Sundquist called the meeting to order at 7:03 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, Joyce Bromley, Bob Hurley and Tim Ridders. Felice Borisy-Rudin was excused. Staff members present were Village Treasurer David Kuenzi, Administrator Karl Frantz, Police Chief Denny Pine, Emergency Services Coordinator David Sykes and Village Clerk Cokie Albrecht. Approximately 13 visitors were in the audience.
4. **Procedure Orientation** There was none this evening.
5. **Appearances and Communications**
 - i) **Walter Meanwell – letter concerning traffic issues** Mr. Meanwell, 3202 Lake Mendota Drive, said he was appearing before the Board this evening to notify the Trustees that he intends to mail, at his expense, a letter to all Village residents regarding the proposed expenditure of \$50,000 for traffic calming measures. He thought it would be helpful for the Trustees to receive Village-wide feedback on the proposed measures. A copy of the letter was included in the Board packet.
 - ii) **Police Academy Grant** The Village has been awarded a Recovery Act Justice Assistance grant of \$9,806 from the Office of Justice Assistance to fund a three-year Citizens Academy.
 - iii) **DNR Stormwater Grant** The Village has been awarded an Urban Nonpoint Source and Stormwater Management Program Grant of approximately \$827,000 from the DNR. The grant will be used to partially fund a bioinfiltration device for stormwater run off from the golf course to the Marina outfall.
6. **Board Matters**
 - C. **Public Hearing on General Development Plan application requesting rezoning of Pyare Square property from C-1-3 to Planned Unit Development** (agenda item taken out of order)
Mr. Sundquist opened the Public Hearing at 7:15 pm.
 - i) **Presentation of request and project** David Bornstein of Andover Hill Investments provided an overview of the new plans for the proposed redevelopment of the Pyare Square property. They now plan to tear down the Pyare Square building and, in the first phase of the project, build a six story building of 69 one, two and three bedroom Section 42 family apartments. The second phase now would be an “L” shaped four story building to the north of the phase one building that would include 58 units of senior housing. The plans no longer include the construction of townhouses along the railroad tracks.
 - ii) **Public invited to speak** Alain Peyrot, 918 University Bay Drive expressed concern that apartments are a significant departure from the single family houses and condos presently available in the Village; he was concerned about the quality of the rental units 10 to 15 years from now; he did not feel a multi-story apartment building was a good place to raise children; he felt the issue should be voted on in a referendum. Dave Yaeger, 3910 University Avenue agreed with Mr. Peyrot and said he was concerned about the apartments’ negative impact on the Garden Homes neighborhood. Jeff Brandt, 933 Cornell Court said he opposed the construction of the apartments; he thought they would strain Village Fire, EMS and police services and would be costly to the

Village. Santhia Brandt, 933 Cornell Court was concerned about the density of the proposed development; she thought the Village would need new ordinances to deal with the problems that will arise with the new apartment buildings and those restrictions will make it difficult to rent other properties in the Village; the 20% change in the Village's housing stock would be too large—the issue should be decided by referendum. Roma Lenehan, 3317 Lake Mendota Drive was concerned about the fast track the development was on—most residents are too busy with the holidays at this time of year to focus on this important issue; there are many rental units available in the area—this development is not needed; she did not see how the Village would benefit from this proposal. Byron Frenz, 1116 Wellesley Road felt the present Pyare Square building should not be torn down: the views from it are valuable; part of the Village's character is its architectural diversity and this building is iconic; a decision on this proposal should be deferred until the Village has spent a lot of time, and money if necessary, to carefully determine if this development for the site is the best—this will not be the only opportunity to redevelop the property. Charlie Palit, 933 University Bay Drive said more time is needed for the residents to consider this project since it is a historic change; the Village needs to look at all costs: on Village services and environment; the main issue with the Pyare Square may be insufficient parking—perhaps that should be addressed. Ed Garvey, 3421 Circle Close wondered what the status of the project was. Mr. Sundquist replied that no action will be taken until January, 2010 at the earliest. Mr. Bornstein needs the General Development Plan approved by March to meet a WHEDA application deadline; much more analysis is needed. Jill Peyrot, 918 University Bay Drive said that there is no reason to rush to develop the site now since the State Crime Lab next door may move soon and the entire block then could be redone; Shorewood Hills is strangling itself with new development and the traffic issues associated with it; do we need this? Mr. Frantz said that he contacted the State Department of Administration and was told the State has no plans to sell the Crime Lab property—it will be there into the foreseeable future. Lois Polenz, 2803 Columbia Road wondered if a referendum were possible. Mr. Sundquist replied that it would be possible but that he was not sure one were needed. Bill Thomas, 3230 Tally Ho Lane said the Village cannot turn away rental housing and meet its obligation to provide its share of affordable housing; the Village is very far behind—it is embarrassing that no suburb in the area does as poorly; the Village has the lowest tax rate and does the least to contribute to the supply of affordable housing. Charlie Palit, 933 University Bay Drive said there presently are rental units in Shorewood Hills; it is not true that everyone in the Village is rich; those who cannot afford it should not be forced to subsidize rentals. Ed Garvey, 3421 Circle Close said this was the first he had heard of this proposed project; if the attitude here is that we don't want anyone who rents or is of modest income that speaks poorly to the character of the Village; we should look at this as an opportunity to consider what the Village will look like in the future and affordable housing has to be a key element; the Village needs diversity.

iii) Close Public Hearing Mr. Sundquist closed the Public Hearing at 8:04 pm.

iv) Board Comment Mr. Benforado recommended that the Board not take action tonight. The Plan Commission and Board have heard several concerns about the proposed development. The time constraints imposed by the WHEDA deadline are problematic: if the project is to be approved it can't be rushed. Mr. Ridders said that he does not support the project; he is concerned about the transient nature of renters; the proposal would change 20% of the voting block; is the Village considering this with the expectation it is the only thing that can be built on the site rather than sitting tight until a better project comes along?

E. New Business Motions and Resolutions

viii) Approve Marshall Court streetscape plan (agenda item taken out of order) Bruce Woods of Vierbicher Associates presented the proposed plans for the Marshall Court streetscape. Mr. Ridders moved and Ms. Bromley seconded a motion to approve the Marshall Court streetscape plan. Motion passed unanimously.

Ms. Bromley was excused from the meeting at 8:27 pm.

A. Payment of bills Mr. Kuenzi reviewed the bills and recommended their payment. Mr. Benforado moved and Ms. Townsend seconded a motion to approve the payment of the end of November bills in the amount of \$2,902 and \$72,429.35 for December bills for a total of \$75,331.35. Motion passed unanimously by the remaining Trustees.

B. Consent Agenda

i) Approve November minutes

ii) Transient merchants license for Fabians Seafood

iii) Appointment of election workers

Ms. Townsend requested the removal of the minutes of the November 23, 2009 Board meeting from the Consent Agenda. Mr. Benforado moved and Mr. Hurley seconded a motion to approve the remaining items on the Consent Agenda. Motion passed unanimously.

i) Approve November minutes Ms. Townsend asked that item 6Fii be revised to read:

“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.~~ *The Board will advise the arbitrator that the issue to be decided is as follows: Should a Trustee have recused him or herself where, 1) The Blackhawk Country Club has asked the Village Board, pursuant to its lease agreement with the Village, to approve construction of a deck on property the Club rents from the Village, 2) The deck would be for the use of Club members and their guests, 3) The Trustee is a member of the Blackhawk Country Club, and 4) The Ordinance prohibits a Trustee from participating and voting on matters in which the Trustee has a “Direct Personal Interest, Not Common to the Residents of the Village.” The Board requests a yes or no answer to the question and a short statement as to the reason(s) for that opinion.”* (strikeouts indicate words deleted; italics indicate words added).

Ms. Townsend moved and Mr. Benforado seconded a motion to approve the November 23, 2009 minutes as amended. Motion passed unanimously.

D. Ordinances

i) Third reading of an Ordinance L-2009-7 adopting the Village Comprehensive Plan

Included in the Board packet were the changes to pages 126 and 128 of the draft Comprehensive Plan the Trustees had requested at the November 23, 2009 meeting. The changes were noted in red. Also, Mr. Benforado asked that Chapter 5, page 51, Section 14 of the Comprehensive Plan be revised to include an additional paragraph between the two existing paragraphs:

“The Village recognizes fire protection and public safety as being critically important municipal duties. In that regard, the Village has one of the most stringent indoor fire sprinkler ordinances in the State of Wisconsin. However, the Village Fire Department does not currently own a high extension ladder fire truck, one capable of rescuing building occupants from tall buildings, or have the current ability to house such a vehicle. Any future building development proposed in the Village over four stories, particularly residential in nature, will be analyzed and considered with this in mind.”

Thirdly, Mr. Sundquist asked that “Policies” section of Chapter 3 on page 28 of the plan be revised to read:

“e. *Encourage* any redevelopment along University Avenue ~~should~~ *to* integrate structured parking.” (strikeouts indicate words deleted; italics indicate words added).

Mr. Benforado moved and Mr. Hurley seconded a motion to approve the third reading of the Comprehensive Plan with the changes discussed. Motion passed unanimously.

ii) Second reading of an Ordinance L-2009-8 amending Section 8.01 and repealing Section 8.02 of the Village Code referencing adoption of State Statutes pertaining to the possession of drug paraphernalia Mr. Benforado moved and Ms. Townsend seconded a motion to approve the second reading of [Ordinance L-2009-8](#). Motion passed unanimously.

iii) First reading of an Ordinance L-2009-9 repealing and recreating Chapter 19 of the Code of Ordinances regarding Trees, Shrubs and Community Forestry Management Mr. Ridders moved and Ms. Townsend seconded a motion to approve a first reading of [Ordinance L-2009-9](#). Motion passed unanimously.

C. New Business Motions and Resolutions

i) Acknowledge document submittals for arbitration The Trustees will have until January 5, 2010 to comment on the written materials to be presented to Terry Peppard, the arbitrator selected to review the question of the ethics conflict with regard to the approval of the building permit for the Blackhawk Country Club deck. The materials then will be forwarded to Mr. Peppard.

ii) Resolution R-2009-16 authorizing participation in County radio interoperability program Mr. Hurley moved and Ms. Townsend seconded a motion to approve [Resolution R-2009-16](#). Motion passed unanimously.

iii) Thanking Sue Heller for her 22 years of dedicated service to the Village and wishing her well in her retirement Mr. Benforado moved and Ms. Townsend seconded a motion that the Village thank Sue Heller for her 22 years of dedicated service to the Village and wish her well in her retirement. Motion passed unanimously.

iv) Adopting Village Identity Theft Prevention Program The adoption of the program is mandated by the Federal Trade Commission’s Red Flag Rule. The goal is to limit the opportunity for others to steal personal information. Entities, like the Village, that maintain sensitive personal information must develop a plan to protect it. Mr. Benforado moved and Mr. Ridders seconded a motion to approve the Identify Theft Prevention Program. Motion passed unanimously.

v) Resolution R-2009-17 adopting revised schedule for ambulance fees Mr. Sykes explained that LifeQuest, the agency that collects ambulance fees for the Village, suggests the revision of the fee schedule annually. Mr. Benforado moved and Mr. Hurley seconded a motion to approve the ambulance fee schedule as outlined in Mr. Sykes’ memo of November 30, 2009. Motion passed unanimously.

vi) Adopting electronic payment agreement with Official Payments Corporation Mr. Hurley moved and Mr. Benforado seconded a motion to approve working with Official Payments Corporation to allow the Village to accept electronic payments. Motion passed unanimously.

vii) Authorize Tree City application Mr. Ridders moved and Mr. Hurley seconded a motion to authorize the submittal of a Tree City USA application for 2010. Motion passed unanimously.

F. Appointments There were none.

Mr. Hurley was excused from the meeting at 9:08 pm.

7. Reports of Officials and Committees

A. Village President Nothing more to report.

B. Village Administrator Mr. Frantz said that he has been approached by another party who may be interested in redeveloping Pyare Square. This person would like to construct a continuum of care for seniors facility there.

- C. Finance Committee** Mr. Benforado said the Committee is working on the 2010 Capital Budget.
- D. Plan Commission** Nothing more to report.
- E. Personnel Committee** Nothing more to report.
- F. Traffic Committee** Nothing more to report.
- G. Parks Committee** Mr. Ridders said Forester Corey George will present the new tree ordinance at the next Board meeting.
- H. Pool Committee** Nothing further to report.
- I. Services Committee** Nothing further to report.
- J. Public Works Committee** Nothing more to report.
- K. Public Health and Safety Committee** Nothing more to report.
- L. Community Center Architect Selection Committee** Nothing further to report.

8. Adjourn Meeting adjourned at 9:22 pm.

Respectfully submitted,

Colleen Boyle Albrecht,
Village Clerk