

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

Draft Meeting Minutes
Wednesday, April 25, 2012

1. **Call to Order** Village President Mark Sundquist called the meeting to order at 7:00 pm.
2. **Administer Oath of Office to newly elected officials** Newly elected Trustee John Imes and reelected incumbent Trustee David Benforado read the oath of office and were welcomed to the Village Board.
3. **Roll Call** Members of the Board present were Mr. Sundquist and Trustees Bob Hurley, David Benforado, John Imes and Felice Borisy-Rudin. Tim Ridders and Barbara Center were excused. Also in attendance were Village Treasurer David Kuenzi, Village Administrator Karl Frantz, Department of Public Works Chief Denny Lybeck, Emergency Services Coordinator David Sykes and Village Clerk Cokie Albrecht. Approximately 15 visitors were in the audience.
3. **Statement of Public Notice** Karl Frantz confirmed the meeting had been properly posted and noticed.
4. **Procedures Orientation** There was none this evening.
7. **Board Matters**
 - E. **New Business Motions and Resolutions**
 - i) **Consider Al-Abdulla claim for excessive assessment** (agenda item taken out of order)

Attorney for Jaafar Al-Abdulla, Michael Briggs, outlined the reasons Mr. Al-Abdulla feels the 2011 assessment for his property at 2708 Harvard Drive should be overturned by the Village Board. By consensus the Trustees agreed to delay action on this item until the Board of Review (BOR) members hear Mr. Al-Abdulla's case for revising his 2012 assessment at the BOR meeting on June 12, 2012. If the BOR finds this year's assessment of Mr. Al-Abdulla's property is excessive, the Trustees may decide to revisit his appeal of last year's assessment. Village Attorney Amie Trupke of Stafford Rosenbaum said that Mr. Al-Abdulla's claim will be denied tonight by "operation of law" –the Trustees' lack of action on the claim is equal to denying it. This will start the 90 day period for Mr. Al-Abdulla to appeal the Board's action.
5. **Appearances and Communications** Due to the redistricting following the 2010 Census, Shorewood Hills' representation on the Dane County Board switched from District 11 to District 10 effective this spring. The County Supervisor for District 10, Jeremy Levin, introduced himself and indicated he is looking forward to working with the Village.
7. **Board Matters**
 - E. **New Business Motions and Resolutions** (agenda item taken out of order)

ii) **Resolution R-2012-10 awarding the sale of \$2,750,000 for general obligation corporate purpose bonds** Mr. Benforado moved and Ms. Borisy-Rudin seconded a motion to adopt [Resolution R-2012-10](#). Motion passed unanimously.

D. Ordinances

ii) **Second and possible third reading of Ordinance L-2012-2 changing the zoning classification of property located at 4610 University Avenue from C-2-P Commercial Planned Overlay to a Planned Unit Development District** Mr.

Benforado moved and Mr. Hurley seconded a motion to approve the second and third readings of [L-2012-2](#). Motion passed unanimously.

i) **First and possible second reading of Ordinance L-2012-1 amending section 10-1-33, 10-1-52, 10-1-100, 10-1-124 and 10-1-125 of the Village Code related to Zoning**

Mr. Sundquist said the Plan Commission considered the Trustees' comments at the Board meeting of March 19, 2012 but took no action on them. Mr. Benforado moved and Mr. Hurley seconded a motion to approve the first and second readings of [Ordinance L-2012-1](#). Motion passed unanimously.

E. New Business Motions and Resolutions

Stonehouse Development Developer Rich Arnesen reported on the failure of the proposed mixed use development on Marshall Court to garner enough points to be awarded Section 42 tax credits from the Wisconsin Housing and Economic Development Authority (WHEDA). He said WHEDA would like to see the housing built, however, and is willing to offer an alternative financing mechanism. The authority is proposing a loan of 85% of the project's proposed value with a 35 year amortization to finance the development of housing in which 20% of the apartment units would be leased at affordable rents to families at 80% of the Dane County median income. The project would look substantially the same as the proposed Section 42 project, but the affordable housing mix would change. The Section 42 plan would have provided 80 units with 85% of them, 66 units, affordable. The revised plan would include 80 apartments with 16 affordable units: 11 three bedrooms and 5 two bedrooms. Mr. Arnesen said WHEDA would be willing to require that the affordable units would be offered to families with incomes of 60% or less than the Dane County median, similar to the Section 42 requirements. He said the new project would be carried out in the timeframe previously proposed for the Section 42 housing with an anticipated closing in August, 2012 and occupancy in August, 2013. Mr. Arnesen said many unknowns make it unfeasible to delay until next year in the hope the Section 42 project would be approved then, including: the criteria WHEDA will use in 2013 to award the Section 42 tax credits may continue to favor the rehabilitation of existing apartments, as a result the Stonehouse project would again lack the necessary points to be awarded the tax credits; the 9% tax credit available from HUD for the Section 42 program is due to sunset and may not be available next year; the owners of the Marshall Court properties may not allow the developers to renew the options to purchase the properties. Mr. Arnesen said it may be possible to increase the number of affordable apartments but as the number of affordable units goes up, the value of the property declines, which makes the project less financially feasible.

Closed Session At 8:42 pm, Mr. Sundquist announced that the Board would consider going into Closed Session as per §19.85(1)(e) of the Wisconsin State Statutes

deliberating or negotiating the purchasing of public properties, the investing of public funds or conducting other specified public business whenever competitive or bargaining reasons require a closed session (consider possible changes to tax increment and development agreements with Stone House Development for project at 2815 Marshall Court). Mr. Hurley moved and Mr. Benforado seconded a motion to go into closed session. The roll call vote was: Mr. Sundquist – yes; Mr. Benforado – yes; Mr. Imes – yes; Ms. Borisy-Rudin – yes; and Mr. Hurley – yes. Village Attorney Matt Dregne of Stafford Rosenbaum, Mr. Kuenzi, Mr. Frantz, and Ms. Albrecht were asked to stay. The remaining attendees left the meeting.

While in closed session the Trustees discussed the options available.

Open Session Mr. Sundquist announced that the Board will return to Open Session as per Section 19.85(2) to address any business that may be the result of discussions conducted in Closed Session. At 9:09 pm, Mr. Benforado moved and Mr. Sundquist seconded a motion to reconvene into Open Session. Motion passed unanimously. Mr. Arnesen rejoined the meeting.

The Trustees asked Mr. Arnesen to calculate the feasibility of increasing the number of affordable units to 20, 25, 30, etc., to determine the maximum number of affordable apartments possible under the new financing plan proposed by WHEDA. Staff was asked to investigate the likelihood of approval of a Section 42 project next year. The information will be considered at the next Board meeting.

A. Payment of Bills Mr. Kuenzi reviewed the bills and recommended their approval. Mr. Hurley moved and Mr. Benforado seconded a motion to approve the payment of the end of March bills in the amount of \$32,336.07 and \$365,207.39 for April expenses for a total of \$397,543.46. Motion passed unanimously.

B. Consent Agenda

i) Approve March 19 and April 10, 2012 minutes Mr. Benforado moved and Mr. Hurley seconded a motion to approve the Consent Agenda. Motion passed unanimously.

D. Ordinances

iii) First and possible second reading of Ordinance L-2012-3 amending Section 11.06(2) of the Village Code Snow and Ice Removal on School Routes The Public Works Committee concurred with the recommendation of the Services Committee that the Trustees adopt [Ordinance L-2012-3](#). The first and second readings of the proposed ordinance were completed.

iv) Second and possible third reading of Ordinance L-2012-4 amending Section 18.06 of the Municipal Code Noxious Weed Control The second and third readings were completed. Mr. Benforado moved and Mr. Hurley seconded a motion to adopt [Ordinance L-2012-4](#). Motion passed unanimously.

E. New Business Motions and Resolutions

iii) Resolution R-2012-9 thanking Marilyn Townsend for her years of dedicated service to the Village Mr. Benforado moved and Ms. Borisy-Rudin seconded a motion to approve [Resolution R-2012-9](#). Motion passed unanimously.

F. Appointments There were none.

7. Reports of Officials and Committees

A. Village President

Mr. Sundquist said that he will have his recommendations for committee chairs at the next Board meeting.

B. Village Administrator

i) Welcome Packet Mr. Frantz said the staff is developing a packet of information to be provided to new residents.

ii) Dark Sky Ordinance and current concerns Mr. Frantz said there have been complaints about the outdoor lighting at a resident's property. The current lighting does not conform to the Dark Sky Ordinance but the resident is willing working with the Village to bring the lighting into compliance. Mr. Frantz said that there have been several changes in lighting options since the Dark Sky Ordinance was passed and, given the new technology, parts of it may be out of date. It was proposed that the members of the ad hoc Dark Sky Committee would be contacted to see if they would like to be involved in updating the ordinance.

C. Public Health and Safety Committee

i) Report on Fire/EMS Study The next meeting of the Committee will be a joint meeting with the Public Works Committee to discuss "Complete Streets"—the concept that when streets are reconstructed, the needs of bikes and pedestrians, as well as cars, are considered. The Committee continues to discuss alternatives to maintain adequate Fire and EMS coverage.

D. Golf Committee Nothing to report.

E. Personnel Committee Nothing to report.

F. Finance Committee The Committee is working on a post issuance compliance policy to be followed after debt is issued.

G. Plan Commission The plans for the UW Children's Hospital addition will be presented to the Board in May.

H. Public Works Committee The Committee is considering a recommendation to the Board regarding the use of deduct meters in the Water Utility.

I. Parks Committee Nothing more to report.

J. Pool Committee Nothing to report.

K. Services Committee Nothing more to add.

L. Recreation Committee Nothing to report.

8. Adjourn Meeting adjourned at 9:55 pm.

Respectfully submitted,

Colleen Boyle Albrecht
Village Clerk