

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

Draft Meeting Minutes  
Monday, November 19, 2012

1. **Call to Order** Village President Mark Sundquist called the meeting to order at 7:02 pm.
2. **Roll Call** Members of the Board present were Mr. Sundquist and Trustees Felice Borisy-Rudin, John Imes, David Benforado, Barbara Center, Tim Ridders and Bob Hurley. Also in attendance were Village Treasurer David Kuenzi, Village Administrator Karl Frantz, Police Chief Denny Pine, Fire/EMS Chief Keith Anderson, Emergency Services Coordinator David Sykes and Village Clerk Cokie Albrecht. Twenty 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.
5. **Appearances and Communications** There were none this evening.
6. **Board Matters**
  - A. **Payment of Bills** Mr. Kuenzi reviewed the bills and recommended their approval. Mr. Benforado moved and Ms. Center seconded a motion to approve the payment of the end of October bills in the amount of \$49,238.56 and \$660,023.85 for November expenses, for a total of \$709,262.41. Motion passed unanimously.
  - B. **Consent Agenda**
    - i) **Approve October 15, 2012 Board minutes**
    - ii) **Approve Fire Department purchase of a thermal imaging camera using existing 2012 budgeted money at an amount not to exceed \$6,983 and shipping and handling** Mr. Benforado moved and Mr. Hurley seconded a motion to approve the items on the Consent Agenda. Motion passed unanimously.
  - C. **Public Hearing**
    - i) **Public hearing on 2013 Village Budget** Mr. Sundquist opened the public hearing at 7:08 pm.
    - ii) **Presentation of 2013 Village budgets and tax levy** Mr. Benforado reviewed the proposed 2013 General Fund budget. The 4% increase in the tax levy will raise the Village's share of the average property tax bill by 1.14%. Total tax bills are expected to be less than last year, however, because the Village's equalized property value, relative to other municipalities, has gone down. Therefore its share of the levies of the other taxing entities will be less this year.
    - iii) **Public invited to speak** There were no comments from the audience.
    - iv) **Close public hearing** Mr. Sundquist closed the public hearing at 7:14 pm.
  - E. **New Business Motions and Resolutions** (agenda items taken out of order)
    - ii) **Consider 2013 Village general, sewer, water, stormwater, pool, marina, debt service, TID III, TID IV budgets**

**iii) Set Village tax levy**

**iv) Consider 2013 Village compensation plan**

Mr. Benforado moved and Mr. Hurley seconded a motion to consider the items listed in 6Eii – iv: approve the 2013 budgets for the general, sewer, water, stormwater, pool, marina, debt service, TID III and TID IV funds as presented; set the 2013 tax levy at \$2,319,821; and approve the 2013 compensation plan as included in the budgets. The plan provides a grid step plus 2% raise for employees on the grid and a 3.5% raise for those who have advanced off the grid. Motion passed unanimously.

**i) Discussion and possible recommendations regarding deed restrictions on Lot 7 of Beloit Court** Several neighbors of 2704 Harvard Drive provided letters and/or spoke in opposition to the development of Lot 7. They are concerned that the parcel will be subdivided and the property fronting on Beloit Court will be offered for sale as a buildable lot. Karla Knobel, 1006 University Bay Drive, said she represented a collective of the neighbors and distributed a memo to the Trustees dated November 19, 2012 in which she outlined their objections. They include: concern that the area is in a floodplain and building on it would exacerbate flooding problems; appropriate utilities to the lot—water and sewer lines—do not exist; the Village has not taxed the property as two buildable lots; and recorded deed restrictions limit the development of the property. Regarding the latter, an “Agreement to Restrictions” 876154, signed by Block 17 and 18 landowners and recorded in Dane County, October, 1952, stipulates “That Lot 7 Beloit Court Replat, is not to be utilized as a residential building site unless expressly authorized by the governing body of the municipality in which located.” The neighbors therefore were asking the Trustees to take action to declare that such authorization will not be granted, now or in the future. Village Attorney Matt Dregne said that it would not be appropriate for the Board to act, absent a proposal to build on the lot. The Trustees concurred that they would take no action now, but that the objections heard this evening are in the public record if a proposal to build on the lot were presented to a future Board.

**D. Ordinances**

**i) First reading of an Ordinance L-2012-6 Amending Section 1.03 of the Village Code of Ordinances relating to the appointment of Deputy Clerk and President Pro Tem**

Ms. Borisy-Rudin provided the first reading of Ordinance L-2012-6. The Trustees agreed that Section 1.03(5)(a) would be revised to read (strikethroughs indicate words deleted, italics indicate words added): “...Thereafter, the President Pro Tem shall be appointed during the Village Board’s ~~annual organizational meeting~~ *first meeting* following the spring election...”

**E. New Business Motions and Resolutions**

**v) Consider prohibiting use of water deduct meters and grandfathering existing meters for a period of time**

Ms. Center moved and Ms. Borisy-Rudin seconded a motion to prohibit the installation of new deduct meters and grandfather the existing ones for a period of five years or when the property is sold, whichever occurs first. Motion failed on a 0 – 7 vote. The Trustees agreed the vote against the motion ended the moratorium on the installation of new deduct meters.

**vi) Consider policy establishing resident waitlist for marina membership** Mr. Benforado moved and Mr. Hurley seconded a motion to revise the portion of the marina contract regarding non-resident users to read (strikethroughs indicate words deleted, italics indicate words added): “...(a)~~All Non-Resident users agree that Resident Users~~

~~have first priority on all lift and mooring sites. The Village reserves the right to deny contract renewal of Non-Resident Users in order to accommodate Resident users who are requesting lift and mooring sites. For the purposes of determining which Non-Resident contracts to renew, the Village will apply a "last in, first out" policy based upon seniority within each category of usage. Residents have first priority to any openings at the marina when a slip or mooring is vacated. This means that Non-Residents can only enter the marina if there are no Residents who want the open spot. If there is an opening for a slip or mooring, all Residents on the waiting list will be contacted before the opening is filled.~~ Motion passed unanimously.

**vii) Consider intergovernmental agreement with the City of Madison and University of Wisconsin for the University Avenue traffic study** Ms. Borisy-Rudin moved and Ms. Center seconded a motion to increase the amount previously authorized for the Village's share of a University Avenue traffic study from \$33,000 to \$38,333 and to approve the selection of Strand Associates to complete the work at a cost of \$115,000, to be divided equally between the City of Madison, University of Wisconsin, and Village. Motion passed unanimously.

**viii) Consider revisions to policy on recreation program revenue distribution** Ms. Borisy-Rudin moved and Mr. Benforado seconded a motion to revise the amount the recreation programs contribute to the general fund to cover administrative costs. Effective January 1, 2013, the fee will be 10% of the programs' gross revenues; 100% of any remaining net revenues will be carried over to the next year. This policy excludes the pool and marina. Ms. Borisy-Rudin and Mr. Benforado concurred that the motion would be amended to state the policy would be revisited after two years. Motion passed unanimously.

**ix) Authorize payment to Rawson Contractors upon receipt of lien waivers or meeting of contractor, subcontractors and Village Engineer to exchange checks and simultaneous issuance of lien waivers** Mr. Benforado moved and Mr. Ridders seconded a motion to approve the payment to Rawson Contractors after the required lien waivers are received.

**F. Oak Park Place TIF request by applicant** Scott Frank, the developer of Oak Park Place, had previously requested \$5 million in TIF funds from the Village. The Village replied that it would offer \$500,000 in Village TIF support and \$4 million in developer-financed TIF monies. Hal Karas, attorney for Scott Frank, detailed the reasons the developer was countering with a request for \$4.5 million in TIF funds from the Village.

**G. Walnut Grove TIF request by applicant** John Flad, developer of the Walnut Grove property, had previously requested \$2,010,000 in TIF funds. The Village replied that it would provide \$150,000 in Village TIF support and \$500,000 in developer-financed TIF monies. Mr. Flad outlined the reasons he was countering with a request for \$2,010,000 total TIF funds, with \$1,005,000 from the Village and the same amount in developer-financed TIF funds. He said he had pursued the inclusion of affordable rental units with WHEDA but was told that Section 42 funds would not be available since there was a project across the street and no other program would be applicable. The rezoning of the Walnut Grove property will be considered by the Plan Commission next week.

**Closed Session** At 9:21 pm, Mr. Sundquist announced the Board would go into Closed Session as per §19.85(1)(e) deliberating the purchase of public properties, the investing of

public funds, or conducting other specified business, whenever competitive or bargaining reasons require a closed session and may reconvene to open session as per Wisconsin State Statutes 19.85(2) to address any business that may be the result of the deliberations made in closed session (TIF funding request Oak Park Place of Shorewood Hills and Walnut Grove redevelopment Flad Development Corp.). The roll call vote was: Mr. Sundquist – yes; Ms. Borisy-Rudin – yes; Mr. Benforado – yes; Mr. Imes – yes; Mr. Ridders – yes; Mr. Hurley – yes; and Ms. Center – yes. Errin Welty and Ben Zellers, consultants from Vierbicher, Mr. Dregne, Mr. Frantz, and Ms. Albrecht were asked to stay. The remaining attendees left the meeting.

While in closed session the Board discussed the TIF requests and authorized Mr. Dregne and Mr. Frantz to make non-binding counter offers to the developers.

**Open Session** At 10:49 pm, Mr. Sundquist announced that the Board would 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. Mr. Sundquist moved and Ms. Borisy-Rudin seconded a motion to reconvene into Open Session. Motion passed unanimously.

Ms. Borisy-Rudin was excused at 10:51 pm.

**I. Consider professional services agreement with Vierbicher to amend TID III and or TID IV project plans** The item was tabled.

**J. Appointments**

**i) Mary Gulbrandsen to Personnel Committee** Mr. Sundquist’s appointment of Mary Gulbrandsen to the Personnel Committee was unanimously approved by the Board.

**7. Reports of Officials and Committees**

**A. Village President** Nothing more to report.

**B. Village Administrator** Nothing more to report.

**C. Personnel Committee** The Committee will review the reclassification of some employees’ positions.

**F. Plan Commission** The Commission will consider Flad Development’s request for a zoning change at the Walnut Grove property next week.

**G. Public Works Committee** The Committee is working on the ditch clean out project and rerouting the bike path to the south side of the pool.

**H. Public Health and Safety Committee** The Committee is waiting for a response from the City of Madison about its interest in providing Fire/EMS to the Village.

**J. Pool Committee** The pool boilers will not have to be replaced immediately. The Committee is considering adding an extended season for lap swimmers.

**L. Waterfront Committee** It is possible that only the legs of the pier, not the entire structure, will have to be replaced, at a cost of \$10,000 rather than \$100,000.

**The remaining committees had nothing more to report.**

**8. Adjourn** Meeting adjourned at 11:02 pm.

Respectfully submitted,

Colleen Boyle Albrecht  
Village Clerk