

VILLAGE OF MCFARLAND
VILLAGE BOARD
Monday, June 27, 2016

1. **CALL TO ORDER.** Village Board President Brad Czebotar called the regular meeting of the McFarland Village Board to order at 7:00 p.m. in the Community Room of the McFarland Municipal Center.

2. **ATTENDANCE ROLL CALL.**
Village Board members present: Trustees Jerry Adrian, Stephanie Brassington, Brad Czebotar, Dan Kolk(joined at 7:03p.m.), Mary Pat Lytle, Tom Mooney, and Clair Utter(joined at 7:01p.m.).

Staff Present: Village Clerk/Deputy Treasurer Cassandra Suettinger, Police Chief Craig Shervan and Community & Development Director Pauline Bonness.

3. **PUBLIC APPEARANCE.** There were no public appearances.

4. **PUBLIC ANNOUNCEMENTS AND COMMUNICATIONS.**
 - a. **Public Announcements**
 - (1) Village offices closed on Monday, July 4th
 - (2) Real Estate Property Tax 2nd Installment Due to Dane County – July 31st

 - b. **Public Communications**
 - (1) Recognition of Linda Dieckhoff for retirement after 10 years of service to the Village.
 - (2) Condolences for the passing of Otto “Bud” Driewer, former Public works director who worked for the Village for over 30 years.
 - (3) Letter from Dane County Executive Joe Parisi regarding the upcoming Urban Water Quality grant program.

5. **CONSENT AGENDA.**
 - a. **Motion to approve pre-paid checks #66640-66647 in the amount of \$115,591.91 and current checks #66648-66735 the amount of \$430,947.44**
 - b. **Motion to approve the minutes of the May 9, 2016 Village Board meeting.**
 - c. **Motion to approve the minutes of the June 13, 2016 Village Board meeting.**
 - d. **Motion to approve the minutes of the June 18, 2016 Special Village Board meeting.**
 - e. **Motion to approve the recommendation from Police Chief Sherven that the Temporary Alcohol Beverage Operator’s License applications submitted by Louis Marino (JAMFest) be approved and licenses issued.**
 - f. **Motion to approve recommendation from Police Sherven that the Alcohol Beverage Operator’s License applications submitted by Todd Gille (Spartan Bowl), Nathan Higdon (BP-Loeder Oil Company), Andrea Stanton (Green Lantern), and Zackary Butson (BP- Loeder Oil Company) be approved and licenses issued for the period of July 1, 2016 through June 30, 2017.**
Motion by President Czebotar, second by Trustee Adrian, to approve the consent agenda items. Motion carries 7-0 by acclamation.

6. **BUSINESS.**

a. **Public Safety Committee Report (Trustees Adrian & Mooney)**

1) **Action on a recommendation from the Public Safety Committee to approve an application for:**

- i. **“Special Event License” and Temporary Class “B” Fermented Malt Beverage License from JAM Fund, Inc. for the JAMFest event to be held from 4:00 p.m. on Friday, August 5th, 2016 to 10:00 p.m. on Sunday, August 7, 2016 at Brandt Park.**
- ii. **A variance to allow minors to be present where alcohol is served during JAMFest to be held from 4: 00 p.m. on Friday, August 5, 2016 to 10:00 p.m. on Sunday, August 7, 2016 at Brandt Park.**

Motion by Trustee Adrian, second by Trustee Mooney, to approve a special event license and temporary Class “B” retailer’s license for the JAMFest event to be held from Friday August 5th through Sunday August 7th and to approve a variance from the Village Code of Ordinances Sec. 20-59(b) allowing an 11:00 p.m. ending time for the DJ performance and to allow minors to be present where alcohol is being served, as outlined in Chief Shervan’s letter dated June 27, 2016, addressed to the McFarland Village Board. Motion carries 7-0 by acclamation.

b. **Plan Commission Report (President Czebotar & Trustee Kolk)**

1) **Review and possible action on sponsoring a variance for the Prairie Place Subdivision, located east of Holscher Road and North of MN, for reduced impervious area wetland buffer widths and reduced “no grading” wetland buffer widths, from the Capital Area Regional Planning Commission (CARPC).**

President Czebotar provided a brief history noting the Village had previously approved the preliminary plat; however, since the original approval, the DNR has identified a wetland area on the site.

Tom Gannon appeared to provide an overview of the preliminary plat previously approved by the Village, and to request the Village sponsor a variance. Current requirements require a 30 foot no grading buffer around the perimeter of a wetland, and no impervious surface be allowed within a 75 foot setback of the perimeter of a wetland. Mr. Gannon requested a variance for:

1. Reduced impervious surface area wetland buffers widths to be as follows: lots 54 through 56 = 35 feet, Lot 53=42 feet, Lot 52 = 58 feet and Lot 39 = 62 feet. Restrictive covenants will be placed on the six lots with less than a 75 foot setback that requires impervious area drainage within the 75 of the wetland to be directed to the street or other stormwater facility prior to entering the wetland. Proposed 10 foot wide shared use path shall be located a minimum distance of 10 feet from the wetland boundary. Proposed impervious surfaces on the multi-family lot (Lot 57) located within the 75 foot wetland setback shall be designed to drain to a bio retention basin prior to discharging to the wetlands.
2. Reduced “no grading” wetland buffer widths to be as follows: proposed wetland grading buffers shown on the typical cross sections of Figure 1 of attachment shall be maintained. In general, five foot minimum grading setbacks will be maintained around the perimeter of the delineated wetland. However, the portion of the wetland currently bounded by historical placement of fill (approximately 510 lineal feet) will require grading up to the boundary of the wetland in order to regrade the existing steep slopes (approximately 2:1 slopes) to more manageable and easily maintained slopes (4:1 maximum side slopes).

Mark Shubak, engineer from Strand & Associates Inc, appeared before the Board to provide additional information on the area identified as a wetland. He noted the identified wetland is not a high quality functioning wetland. He explained they are requesting the variance, but they will be requiring additional restrictive covenants to further protect the wetland.

The Village Board expressed concerns with the Village's ability to enforce the restrictive covenants once the maintenance of the wetland is turned over to the Village. Staff will explore the matter further with the Village Attorney.

Trustee Utter added the Village will need a variance from the same wetland setbacks for the road right-of-way of County Highway MN. This should be included as part of the proposed variance request to CARPC.

Motion by President Czebotar, second by Trustee Kolk, to sponsor a variance for the Prairie Place Subdivision, located east of Holscher Road and North of MN, for reduced impervious area wetland buffer widths and reduced "no grading" wetland buffer widths, and a variance for the road right-of-way on County Highway MN from the Capital Area Regional Planning Commission (CARPC). Motion carries 7-0 by acclamation.

2) Review and possible action on a request by Thomas Gannon regarding Preliminary Plat approval for Prairie Place Subdivision located on 33.5 acres east of Holscher Road and north of MN.

Motion by President Czebotar, second by Trustee Kolk, to approve a request by Thomas Gannon regarding Preliminary Plat approval for Prairie Place Subdivision located on 33.5 acres east of Holscher Road and north of MN with the following conditions:

1. Approval of rezoning of all lots within the plat that would permit land uses specified for the Prairie Place Plat.
2. Submission and approval of a Development Agreement with the Village of McFarland.
3. Variance granted by the Capital Area Regional Planning Commission to the 75' setback buffer from the wetland boundary to those lots affected.
4. Variance granted by the Capital Area Regional Planning Commission to the 35' grading setback from the wetland.
5. Submittal and approval by the Village Engineer of five sets of all plans for public streets, public sidewalk, temporary T turnarounds, sanitary sewers and public water to be located within the boundaries of the plat including revision of White Daisy Lane to a permanent cul-du-sac and other comments in the Village Engineers review letter dated May 17, 2016.
6. Submittal and approval of a stormwater management, and erosion control plan by all applicable entities.
7. Surety to cover cost of required public improvements.
8. Submittal and approval by the Village Board of dedicated parkland and fees-in-lieu of parkland dedication.

9. Submittal to and approval by the Village of any deed restrictions or covenants for the plat including but not limited to lowest elevation for building openings.
10. Approval by the Village Attorney of an easement agreement between Prairie Place Property LLC and Westshore Pipeline.
11. Future sanitary sewer easement parallel with Westshore Pipeline supply pipe.
12. Identification on the preliminary plat of all public spaces proposed to be dedication for parkland use.
13. Submittal to and review by the Village Engineer of any soil borings required by the Village.
14. Development Agreement to include water proofing measures to be used for residential basements, details of which will be submitted with residential building permits for lots as determined by the Village Engineer.

Motion carries 6-1 with Trustee Utter voting Noe.

3) Review and possible action regarding Ordinance No. 2016-03. An Ordinance REZONING LANDS IN THE VILLAGE OF MCFARLAND AT 5401 PAULSON ROAD FROM M-IC MANUFACATURED INTENSIVE COMMERCIAL TO R-3 GENERAL RESIDENCE DISTRICT.

Brett Riemen appeared before the Board to discuss the proposed rezone of the parcel at 5401 Paulson Road. The proposal includes 11 duplexes, and the current M-IC zoning would not support this use.

The Board expressed concern with losing a potential business site within the Village; however, noted the property has sat vacant in its current zoning for many years without inquiries for development.

Motion by President Czebotar, second by Trustee Kolk, to approve Ordinance No. 2016-03. An Ordinance REZONING LANDS IN THE VILLAGE OF MCFARLAND AT 5401 PAULSON ROAD FROM M-IC MANUFACATURED INTENSIVE COMMERCIAL TO R-3 GENERAL RESIDENCE DISTRICT. Motion carries 6-1 with Trustee Utter voting Noe.

c. Public Utilities Committee Report (Trustee Lytle & Trustee Brassington)

1) Discussion and possible action on recommendation from the Public Utilities Committee to approve the PSN contract to automate the utility billing and payment posting process.

Motion by Trustee Lytle, second by Trustee Brassington, to approve the recommendation from the Public Utilities Committee to approve the PSN contract to automate the utility billing and payment posting process. Motion carries 6-1 with Trustee Utter voting Noe.

2) Discussion and review of the 2015 Compliance Maintenance Annual Report (CMAR) for sanitary sewer system.

Motion by Trustee Lytle, second by Trustee Brassington, to approve the 2015 Compliance Maintenance Annual Report (CMAR) for sanitary sewer system. Motion carries 7-0 by acclamation.

d. Discussion on update on Village Board goals.

Item postponed to the June 29, 2016 Village Board Planning Retreat.

e. Discussion and possible action on the general terms and conditions of the employment agreement for the Administrator/Treasurer position.*

**The meeting may close pursuant to Wisconsin State Statutes 19.85 (1)(e) to deliberate or negotiate the investment of public funds or other specified public business whenever competitive or bargaining reasons require a closed session.*

Following the closed session, the Board will reconvene in open session to take any action necessary regarding the closed session.

Motion by President Czebotar, second by Trustee Kolk, to approve the general terms and conditions of the employment agreement for the Administrator/Treasurer position. Motion carries 7-0 by acclamation.

f. Discussion and possible action on appointment of a Village Administrator/Treasurer.

Motion by President Czebotar, second by Trustee Lytle, to approve the appointment of Matthew Schuenke as the Village Administrator/Treasurer contingent upon a clean background check. Motion carries 6-1 with Trustee Utter voting Noe.

g. Authority, Board, Commission, and Committee agenda item requests, referrals, and updates.

The Board directed staff to investigate the creation of an ordinance related to naming rights and criteria for Village parks and facilities.

9. ADJOURNMENT.

Motion by Trustee Adrian, second by Trustee Mooney, to adjourn at 8:36 p.m.

Respectfully Submitted by,
Cassandra Suettinger, Village Clerk/Deputy Treasurer