

Village of Weston, Wisconsin
OFFICIAL PROCEEDINGS OF THE PLAN COMMISSION

held on Monday, August 9, 2021, at 6:00 p.m., in the Board Room, at the Municipal Center

AGENDA ITEMS.

1. Meeting called to order by Plan Commission Chair & Village Trustee Loren White at approximately 6:00 p.m.

2. Roll Call of Village Plan Commission (PC) by Secretary Parker.

Roll call indicated 7 PC members present and 2 Alternates were present.

<u>Member</u>	<u>Present</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES (via Zoom)
Mumper, Roy	YES
Maloney, Mark (Alt. 1)	YES
Zeyghami, Hooshang (Alt. 2)	YES

3. Roll Call of Joint Village & Town of Weston Extraterritorial Zoning Committee (ETZ) by Secretary Parker.

Roll call indicated 5 ETZ members present.

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Cronin, Steve	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	ABSENT
Meinel, Steve	YES

Village Staff in attendance: Donner, Higgins, Wodalski, Trautman, Wheaton, Raczkowski, and Parker. There were 2 audience members present in-person and 2 present via Zoom.

4. Announcement of any possible perceived conflicts of interest.

Hull stated he owns property that is adjacent to the southeast corner of Phelps' property. Hull confirmed the proximity to Phelps' property will not impact his decision tonight.

5. Approve minutes from the July 12, 2021, Joint PC/ETZ Meeting. (PC & ETZ)

Motion by Jordan, second by Cronin: To approve the July 12, 2021, Joint PC/ETZ Meeting Minutes.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member (PC)</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES

Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

Yes Vote: 5 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member (ETZ)</u>	<u>Present</u>
Christiansen, Randy	YES
Cronin, Steve	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	-----
Meinel, Steve	YES

PUBLIC HEARINGS

Zoning Map Amendments, Conditional Uses, & Related Requests

6. Project #20210266 – Request from David Phelps, 163130 Ross Avenue, Weston, Requesting a Conditional Use Permit to Allow a Proposed Accessory Structure (for Residential Use) Exceeding 2,500 Square Feet, at his Property at 163130 Ross Avenue, within the RR-5 (Rural Residential 5-Acre) Zoning District. (ETZ)

a. Open Public Hearing.

Meinel opened the public hearing at 6:05 p.m.

b. Presentation by Staff.

Wheaton clarified the building itself is not 2,500 square feet, it is the combination of all buildings. The proposed building will only be 936 square feet. The building will be used for storage.

c. Public Comment Period.

Dave Phelps, 163130 Ross Avenue, Weston, was present, but did not have any additional comments.

d. Close Public Hearing.

Meinel closed the hearing at 6:06 p.m.

e. Recommendation from Staff.

Wheaton stated staff recommends approval.

f. Discussion & Recommendation by ETZ on the Conditional Use Permit Request

Wheaton pointed out the Determination document to be read and answered by the ETZ Committee. The following were the responses to the 5 questions:

1. Yes
2. Yes
3. Yes
4. Yes
5. Yes

It was pointed out in the Conditional Permit Determination report, under the “Plan Commission Action Options”, that it refers to 163130 Birch Street, not Ross Avenue. Wheaton stated she will fix that.

Motion by Cronin, second by Guerndt: to approve the Conditional Use Permit, Project #20210266, contingent on the Determination document being corrected by staff.

Yes Vote: 6 No Votes: 0 Abstain: 0 Not Voting: 1 Result: PASS

<u>Member</u>	<u>Present</u>
Christiansen, Randy	YES
Cronin, Steve	YES
Hull, Mark	YES
Guerndt, Gary	YES
Olson, Milt	YES
Meinel, Steve	YES

COMMUNICATIONS

7. Public Comment.

None.

8. Written Communications Received.

None.

UNFINISHED BUSINESS

9. Authorization to Set Public Hearing for Proposed Project Plan Amendments for Tax Incremental District (TID) #2 (PC)

Donner explained this topic was introduced at the last PC meeting in July, and has been available for review by all PC members since last week Wednesday. He explained tonight's discussion is to set the public hearing so that we can start the process to make other changes. Donner pointed out the memo from Roffers that was included in the packet, outlining the proposed changes. He stated how staff had discussed earlier this year with the Village Board about options we have with TID#2, and the process of putting together a project amendment was something talked about several years ago under a former administrator, and this is now being brought forward, with the reason being we need a better definition of what the eligible potential future projects and expenditures may be. He stated this is now being brought forward by the direction of the Village Board.

Mark Roffers, MDRoffers, was present via Zoom, and gave an overview of his report. He pointed out that the Village is not bound to taking on any of the projects listed within this draft plan. It was explained how with a TIF project plan, you can only use TID funds on projects listed in the plan, so the goal is to include any possible project that may need to occur in the future before the TID closes. He pointed out how each project has either been designated a Priority #1 or a Priority #2, and how the priorities can change over time. It was explained how the dollar values on the proposed projects are just estimates, and how those actual numbers can go up or go down, but in the end, we can't exceed \$10 million. Roffers emphasized that the Board of Trustees would have to authorize the use of TID expenditures, so by approving this document (during the public hearing) does not give automatic approval of those projects to occur. Roffers reiterated that if a future project comes up and it is not listed on this plan, then we will not be able to use TID monies to fund/help finance the project.

White explained tonight we are just authorizing staff to schedule the public hearing.

Guerndt questioned why we are taking land out of this TID. Higgins explained those two particular properties are adjacent to lands that will need to be sold/developed with them, and those lands are not within the TID, which then makes it very difficult for the property to be developed. She reminded that we can still use TID financing for properties within a half mile of the TID.

Guernndt questioned what incentives we are able to give for development costs for improvements to blighted areas. Trautman pointed out on page 73 of the packet, the proposed Tax Increment Projection Worksheet. She stated how the TID#2 debt is paid off, and how we have \$600,000 of increment every year, which can get used for incentives.

Roffers pointed out how Table 2 (page 67 of the packet) has a good summary of maximum expenditures. He explained the first column is what is in the TID#2 when it was first authorized in 2005. He stated the Village spent \$5.8 million to date. He explained column #3 is additional expenditure that will be authorized within TID#2 if this is amendment were adopted, which adds an additional \$10 million in potential dollars we can spend, and he went through the proposed breakdown of expenditures. He explained that there is flexibility written in the plan that states if we don't spend the full proposed amount in the Infrastructure & Related Project Construction row of the table, that we can move those dollars into a different column, like Development Incentives, as long as we don't exceed the overall \$10 million. Roffers explained the way the cash flow analysis is projecting, giving the existing revenues we are getting each year (approximately \$600,000), plus what we would hope to achieve in redevelopment projects, we feel the TID#2 project plan can ultimately afford the \$10 million in additional expenditures. Roffers stated if the additional increment does not come to pass, we will still have the additional yearly \$600,000 in added increment. He stated if the redevelopment does not happen, then the budget would go down. This will depend on the constant evaluation of the actual position of the district before any of these actual expenditures are made.

Meinel is of the understanding that the \$5.6 million in infrastructure & related project expenditures is already designated for reconstructing two intersections and redoing the road. He feels we need to do some evaluations to see if we need to designate those projects. He does not see a justification to spend the money if we don't need to.

Donner stated we are listing these potential projects so they could be eligible for funding, if the project need comes up. He pointed out lands along the corridor that are for sale, and if developed the TIF can assist with project costs. He stated we don't know what will come in this area in the future or the timing. Donner brought up Item #13 in the plan, which describes it to Acquire and prepare land for redevelopment, and how we are estimating this at \$750,000 and as a 2nd priority item. He stated this is something the Board has talked about in the past, as far as removal of buildings and/or assisting these lots to be combined to help them get sold for development.

Marshall stated as she is reading through the different projects, and does not see that any of these will help bring development in and it seems that we are spending \$10 million on hopes that something will come in. She stated it is not apparent to her that this is a good payback.

Roffers stated that by assuring good, safe access onto the property and getting public utility services are among the top two ingredients for getting redevelopment to happen. He stated most of the projects fall into that category. Roffers, with the aid of Donner and Wodalski, then went through the listed potential projects, explaining their need and what value they may have in generating additional increment in TID#2.

Meinel is not comfortable stating now you will have a plan approved in the plan by Planning and Public Utilities, and now we suddenly spend \$1.5 million (referring to Item #2 in the proposed plan) without seeing any kind of study. Roffers reiterated that by approving this overall plan does not mean the proposed projects are approved, that they still need Board approval. Roffers stated a study would need to be done to show the necessity. Roffers stated PC recommend tonight to remove certain proposed projects from this plan or to add proposed projects.

Marshall stated another option to consider, which was presented by Trautman at the last Finance meeting, is if TID#2 were to close, you can increase the annual levy by \$64,226 along with giving the taxpayers a price break of \$0.09 per every \$1,000 of assessed value on their tax bills. She stated when looking at the proposed projects and the alternative, these projects do not have a high priority for helping the citizens, nor the

landowners in the TIF. White confirmed that Marshall is suggesting eliminating all the projects and closing the TID#2 now. Roffers pointed out that while closing is an option, Plan Commission needs to then look at the Schofield Avenue Corridor Plan that they, and the Board, just adopted. Implementing the plan and achieving the value increases and achieving the shopping opportunities, jobs, and employees for local businesses, is going to be difficult. He feels there would be a return on the money spent.

Roffers brought up Project Item #3, and how this project would improve the safety for pedestrians crossing Schofield Avenue. He said that if we have more businesses in this area and with nearby residences, there will be more pedestrians. Donner stated at this afternoon's Public Works & Utility Meeting, this topic was brought up, where Trustee Zeyghami brought up the long-term thought that there should be sidewalks on both sides of Schofield Avenue (referring to the stretch of Schofield Avenue east of Camp Phillips Road).

There was discussion on Project Item #4, regarding replacing and installing the large entryway sign. The members commented that they thought this was already approved for this to be replaced a while back. Wodalski stated the plan was approved, but the engineering, build specs, and installation were not part of that approval. Maloney commented that he thought this sign was being paid for through Room Tax funds with the rest. Trautman corrected that the wayfinding signs were included in the Room Tax funds, not the monument sign. Cronin asked staff to look into this more to verify. Donner stated the funding was broken down by TID and room tax. Roffers stated if this sign is already being funded, we can take this out of this list.

Roffers brought up Project Item #5, which is to extend the public street (Pine Street) and utilities south of Schofield Avenue (through the old mobile home park). There have been discussions of then extending that road to the west, to Normandy Street, but that would only occur if the current property owners would want that.

Roffers stated with Project Item #6 this is a placeholder for landscaping along Schofield Avenue, from Birch Street to Camp Phillips Road. Meinel questioned why we would consider this when we are not keeping up or replacing dead trees in the rest of the corridor. Zeyghami stated this landscaping could be simplified, and gave an example of Washington Street in Madison. He stated by improving the terrace, you are inviting people in.

Roffers stated Project Item #7 creates a better intersection with Cut Off Road and Metro Drive.

Roffers read through Project Item #8, regarding Business Highway 51 and the proposed enhancements to the streetscape. Marshall asked if other municipalities (Rothschild & Schofield) are making plans for this too. Donner stated that Rothschild had included this in their plan.

Roffers pointed out Project Items #9 and #10 being very similar projects (regarding Alderson/Jelinek and Alderson/Ross intersections).

Wodalski stated Project Item #12 is to install a water treatment plant (for manganese & iron removal). We have had business owners along that stretch utilizing maintenance needs due to the quality of water. Those two wells are just south and providing this area with water. Cronin questioned why the water utility would not be paying for this on their own. It was stated that because these are serving properties in the TID, the TID could help the utility pay a portion of the project costs. It was stated that the water utility could afford this, but we would like to keep the option to make this an eligible TID expense. Meinel questioned if that means people who are not on the public water utility system would be subsidizing that cost?

Marshall commented that TID money is still all Village taxpayer money. She stated it appears most of the proposed projects listed are those that are not within the TID, though within the ½ mile boundary. Wodalski pointed out how through developments just outside the TID could change the traffic patterns within the TID. He reiterated how some of these projects may never happen, but then there may be a need 5-6 years from now, and if we don't have it listed as an option now, we can't do anything about it later. He explained though we have listed this potential project, we are not putting it in our capital plan now, and are not currently designing it.

Meinel stated he is not opposed to use TID money, but the fact that in 16 years, no one has come forward with a project or asked for TID money to develop. Donner stated the project plan as it exists does not allow us to take on any projects with TID funding. Donner stated this plan just makes these potential projects eligible for TID funding, if there is a future need to take these on. Higgins stated there are some development plans in the works, but also, some people just walk in the door with a proposed project. She stated how we have only given landscaping grants with this TID to date. She stated this TID was meant to be used as a redevelopment TID. She stated there are properties for sale but that are not selling in their current form.

There was some discussion on the proposed Development Incentives amount compared to Project and Administrative amounts. Guerndt and Jordan feel the incentive amount should be greater than what is proposed. Guerndt feels part of the fear with this commission is that people are afraid this is being looked at as an "open checkbook". It was explained that any TID assistance requests must meet the "but for" test. Trautman reiterated that if we don't do anything (get any new development), we can spend \$600,000 per year.

There was some discussion on the proposed Administrative costs. Higgins stated when Tom Chartrand was employed with the Village, a portion of his wages came from this. She stated anytime we have development here, there will be Developers Agreements, where the Village Attorney is involved, and those costs go into here.

There was some discussion on using the funds to clean up sites, and how people who may be interested in developing will go elsewhere as they can't afford the removal of the existing buildings. Jordan stated we should move forward with the public hearing, but look more at what we want to accomplish with the incentives.

Guerndt commented that we need to start advertising our TID development incentives to draw developers in. Guerndt feels we should not use TID funds for streets outside of this district. He would rather see more incentives.

Donner explained (from page 23 of the plan report) how if we know a project is going to happen, and we are near the end of 2026 (deadline to spend TID monies), that we can put monies in an escrow, to then be spent between 2026 and 2031. Roffers pointed out how this buys the Village an additional 5 years of spending.

Zeyghami stated if you don't spend the TID money at the close, the money does not go back to all Village residents, just to those in the TID. If we can improve Schofield Avenue with TID monies, everyone in the Village benefits. It was stated if the TID closed, there would be just a \$.09 per \$1,000 assessed value reduction noticed on tax bills. Trautman stated if we close the TID, the State limits the amount of value we can pull out and put on the levy. TID has \$2 million, the State will only let us take \$300,000, and then the State would only allow us to take half of that (\$150,000) and put against levy, which forces us to drop tax rate, where residents will receive a benefit of 9 cents per \$1000.

Zeyghami feels we should utilize the TID as a benefit and if a utility project is in there, we should not bill to the Utility, as he feels anything in TID should be paid for by the TID. Guerndt feels instead we should utilize a portion from TID and Utility. Meinel feels if a utility project is outside of the TID and not dependent on the TID, it should be a utility expense. White feels the health and welfare of the utility system benefits everyone as a utility customer too. Meinel pointed out that people not on the utility (such as himself) won't benefit. White stated all taxpayers benefit from having a healthy Village. He stated a healthy Village is where people want to come.

Hull gave his perspective from when he was involved in the hospital campus in TID #1. He stated you can't underestimate the long-term benefits, and agreed it is hard when you can't see the future benefit right now. He feels Schofield Avenue reconstruction (paid for by TID) makes sense and how everything else will be based on what projects come in. He agrees that it is easier to bring developers in when they have a greenfield to work

with, versus having to spend money on deconstruction, as those are the costs that prevent a project from happening. Hull suggested making the incentives versus project costs 50:50.

At 8:09 p.m., ETZ was adjourned (see Agenda Item 18).

Donner stated that we can certainly adjust the proposed amounts in Table 2, to increase Incentives and lower the others, but he does not advocate taking any of the proposed projects out of the plan. There was discussion on using TID funds for utility projects and concerns were raised on how utility projects benefit the Village as a whole. Donner pointed out that Village taxpayers not on the water utility in the Village do benefit from the tax equivalent that is paid by the Utility to the Village, to the tune of about \$600,000.

Guerndt questioned if this gets approved, and a year from now someone wants to do a project, who does this go to then. Higgins stated it goes to the Board to authorize. Roffers clarified that PC is involved in creating the plan, but not involved in implementing the plan through the expenditures. Higgins stated PC may see the site plans. Guerndt confirmed a public well project would be before Public Works, where PC would not see it. Higgins stated committee members can go to any public meeting. Higgins stated the Board can still change this plan yet. She stated this still has to go through JRB and the State.

It was clarified that the Board has directed that they want the Plan to be amended, and for PC to hold the public hearing. White stated the purpose of the public hearing is to hear from the public. He stated after we hold the public hearing and hear what the public has to say, we can then decide to approve the plan or close the TID. Higgins stated this previously would have gone before CDA, but the Board changed it to PC review. Higgins stated the Board could overrule and give this authority back to CDA.

Jordan would like to continue the TID and making a presentation to the public, but suggests modifying the presentation to include more incentivization and less in administration. Higgins stated we can have Ehlers weigh in on how he calculated his numbers in Table 2, column 3.

Mumper clarified we could make a motion to move forward with the public hearing, but to alter the presentation to provide additional incentive over the administrative. Higgins stated these could still be amended at the public hearing also. Roffers requested that PC make their recommendations tonight, as to changes to the Plan, so that the presentation will match more closely their opinions by the time of public hearing.

Trautman explained that we could get the CDA together and decide to pay this off now, but we are wrestling because we have three known (non-municipal) projects coming in the TID. Rather than close this TID and then have to borrow money, we could use TID funds.

Maloney explained as far as recalculating the 2021 Project Cost Allowance column, if you take the total 2020 administrative expenses compared to the overall 2020 expenses, it comes to about 18%; so if you calculate the overall 2021 spending and take 18%, it comes out to \$1.3 million, which then gives you an extra \$625,000 that could instead be shown within the amount for incentives or project costs.

There was discussion on how to get the word out about the incentives. Higgins stated everyone within the TID will receive notice about the hearing, and it will be published in the newspaper and Village website for the general population to see.

Mumper agrees there should be more monies shown for incentives. Mumper stated the cost to get rid of the existing structures. Meinel questioned what type of incentives are we looking to offer? Guerndt stated you can't exceed 25%. Meinel stated he is concerned because he does not know the details, and how the one he saw had excessive fees associated with it. He stated there needs to be an understanding of how those incentives will be applied.

Donner stated due to the timeline we can't go with PAYGO, and how we probably do need to look at some benchmarks or qualifications for incentives.

Motion by Guerndt, second by Mumper: to direct staff to set the public hearing for the TIF 2 Plan Amendment for the next PC meeting in September, contingent on the following:

- 1. See some clarification on the \$1,925,000, to get a better understanding of the administrative financing cost.**
- 2. See the Development Incentives amount equal some of the Infrastructure costs, potentially.**
- 3. Lower the not-to-exceed spending amount to \$8 million, with the understanding that any monies that exceed that amount can be used after, if there are extra monies available, after the 9 years that are left (in the TID life).**

Question: Cronin verified that this can all still change with the public hearing.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

NEW BUSINESS

10. Review and Possible Action on Contractors and/or Consultants using Tax Increment Funds. (PC)

Marshall asked for clarification on the voucher to pay MDROffers on the TID amendment process, before even moving to public hearing. She also questioned the Village using consultants versus in-house planning.

Donner explained we use consultants as we don't always have all the expertise and time, such as putting a TIF document that is compliant with TIF State Statutes. He gave an example how we use consultants for issuing bonds and for engineering. He stated the Board approves all contracts. Marshall stated the budget report she received from Trautman did not have consultant fees. She questioned why we were charged for his services before PC was even asked if they wanted to amend the TIF. Higgins stated Roffers has already been working on this document for 3 months, and how this is part of the original scope of work in his contract. Marshall stated she would like to see a copy of the contract.

11. Discussion and Recommendation to the Board of Trustees on the Public Works & Utility Committee Request to Amend Sec. 74.6.06 Street Dimensional Standards in Chapter 74 Subdivision Regulations. (PC)

a. Approve Resolution 2021-PC-006: A Resolution Recommending Adoption of Ordinance No. 21-025: An Ordinance Amending Section 74.6.06 Street Dimensional Standards. (PC)

Wodalski brought up that with the Crestwood Acres neighborhood project, the Board has changed their philosophy in requirements for pedestrian infrastructure on reconstruction projects. He stated Public Works and Utility made a recommendation to add that footnote that "Sidewalk requirements for existing streets being reconstructed may be determined based on the most recent sidewalk and trail map".

After some discussion, Meinel asked if we could add verbiage that the "map" is being directed by Public Works and Utility, Plan Commission, or Board of Trustees, as he feels it then adds some flexibility that any of those

committees can change the map. It was stated this is not something that is usually added to this section of code.

It was confirmed that any new developments would be required to have sidewalks on both sides, unless a multi-use path. This resolution only applies to road reconstruction projects.

Motion by Mumper, second by Meinel, to approve Resolution 2021-PC-006, with further instruction from the Public Works and Utility Committee to consider future annual updates to the map.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

STAFF REPORTS

12. Acknowledge Report re: July 2021 Staff-Approved Certified Survey Maps and Site Plans

13. Acknowledge Report re: July 2021 Building Permits

Motion by Guerndt, second by Cronin, to acknowledge Items #12 - 13.

Yes Vote: 7 No Votes: 0 Abstain: 0 Not Voting: 0 Result: PASS

<u>Member</u>	<u>Voting</u>
White, Loren	YES
Meinel, Steve	YES
Cronin, Steve	YES
Guerndt, Gary	YES
Jordan, Joe	YES
Marshall, Gayle	YES
Mumper, Roy	YES

MISCELLANEOUS

14. Project Updates

a. Chapter 14 Building

b. Park Impact Needs Assessment

Higgins stated just standing items to keep on agenda until updates.

15. Next Meeting Date

a. Monday, September 13, 2021 @ 6pm – Regular Meeting.

16. Remarks from Staff

None.

17. Remarks from Commission/Committee Members.

None.

ADJOURNMENT

18. Adjournment of ETZ

Motion by Hull, Second by Christiansen, to adjourn at 8:09 p.m.

19. Adjournment of PC

Motion by Meinel, Second by Mumper, to adjourn at 9:05 p.m.

Loren White, Plan Commission Chair and Village Trustee
Jennifer Higgins, Director of Planning & Development
Valerie Parker, Recording Secretary