

**Joint Village/Town Negotiation Committee Minutes**  
**April 18, 2012**

Meeting was called to order at 6:00 p.m. by Chair Jim Salter. Town representatives present: Gof Thomson, Keith Seward and Bob Elkins. Village representatives present: Jim Salter and Kevin Budsberg. Absent: Dan Gartzke. Also in attendance: Mark Roffers (MD Roffers) and Village Administrator Nicholas Owen.

Announcement: All cell phones are to remain silent during the meeting.

Approval of Agenda: Motion by Kevin Budsberg to approve the agenda as presented, second by Keith Seward. Motion carried.

Approval of Minutes of 2/22/12 Meeting: Motion by Kevin Budsberg to approve the minutes of 2/22/12, second by Bob Elkins. Motion carried.

Review/Recommendation: Draft #2 of Cooperative Plan: The committee reviewed a list of 31 comments for the Town committee members (attached to minutes). The committee was in agreement on the following items from the list: 1, 5, 6, 9, 11 and 17.

The committee discussed the remaining items as follows:

2. CBA end date: Consensus of the committee was to fill in the end date with the actual end date, 20 years after final approval of the agreement.
3. Description of agreements boundaries: consensus of the committee was that it was clearer to use the map exhibit defining the boundaries rather than a description.
4. Use of Annexation versus attachment: Mark Roffers explained that the use of the word attachment allows for greater flexibility in the document rather than following the strict rules established for annexations. Roffers will clarify the issue with Town Attorney Dale Hustad.
6. Clarification is needed to make sure the language regarding the Town's use of impact fees is consistent with their actual impact fee policy.
7. After discussion the consensus of the committee was to use the existing language.
8. The town recommended changing "engineering analysis" to "cost benefit analysis". Consensus of the committee was that the existing language is sufficient.
10. This section refers to procedure for filing of an agreement with a developer/landowner that at the end of the agreement their property will attach to the Village. Attorney Hustad will follow up with Roffers for clarification.
12. The committee discussed adding language to further clarify the meaning of adjacent properties. Roffers will add language on the issue.
13. Village Attorney Larry Bechler recommended creating a separate revenue sharing agreement to be an exhibit of the agreement would provide better coverage for the agreement under existing state statutes. Roffers will follow up with DOA representatives to clarify if the separate document is necessary.
14. The town is requesting that language be added to clarify that the Town representative on the CDA be a voting member. The village will clarify with Attorney Bechler if this is allowed in state statutes.
15. and 16. The committee discussed amending this language to allow non-residential development without the extension of water and sewer to allow greater flexibility for non-residential developments. After discussion consensus of the committee was that further research is needed to determine if this would be allowable under current ETZ regulations giving the ETZ committee and Village Board the opportunity to determine if this type of development is consistent with comprehensive plans.
18. Consensus was that the existing language is sufficient.

19. This section refers to the attachment of road right of way when attaching a parcel. The committee discussed whether it was better to annex to the road right of way or to the middle of the road noting it could create maintenance issues having ½ the road in the Village and ½ in the Town. Consensus was that the language was acceptable and the Village and Town will work out maintenance issues on a case by case basis.
20. and 21. The Town was seeking clarification on why there would be a 25% surcharge on utility rates for Town residents served by the Village Utility. Administrator Owen stated it is a standard practice allowed by the PSC. The surcharge is necessary if the utility comes under financial hardship the Village and its taxpayers would be liable for any debt/other payments needed and utility customers outside of the Village would not be contributing towards this.
22. The Town is requesting the addition of the following language to the end of the sentence, “provided the Village has obtained easements with property owners for access to private lands”. Consensus was to include the language.
23. The Town requested adding the following language to the beginning of the paragraph, “Except for acquisition of and compliance to the Town’s Road Opening Permit,”. Consensus was to include the language.
24. The Town raised concerns about the ability to rezone lands in the planning area under the ETZ ordinance. Consensus was landowners still had this ability to do this under the agreement.
25. The Town questioned whether to use a simple majority or absolute majority for the approval of certain items at the Joint Plan Commission (JPC). Consensus of the committee was to require a minimum of 4 votes for approval of annexations, plan amendments or issues assigned to the JPC by the Town & Village Boards.
26. The Town requested the word “Base” be deleted where it appears and the language “payment as a part of the Town’s” be added in line 34.
- 27., 28. and 29. Items regarding the revenue sharing agreement need further revisions by Roffers to be consistent with the original intent of the committee.
30. The Town requested rewording of the paragraph referring to the use of impact fees. Roffers will rework this section for the next meeting. Administrator Owen raised a concern with the section requiring the Village to return the impact fees if they are declared invalid and will research the issue further with Attorney Bechler.
31. The Town questioned the requirement for town properties to pay a stormwater management fee to the Village. It was explained that this fee would cover the Village maintenance of the stormwater infrastructure installed and to provide other related services to the subdivision.

Administrator Owen noted he has an issue with the timeline in section D on page 5 lines 20-21 for requiring a stormwater management study. Owen noted he understands the importance of the study but has issues with setting a timeline in light of the current budget constraints. Roffers will revise the section to remove the strict timeline.

Discussion/Recommendation: Next Steps in Cooperative Plan Preparation Process: Roffers stated under his contract he has budgeted 1 more meeting with the committee and 1 public hearing as well as this time to prepare the next draft and a meeting with DOA staff.

Set Next Meeting Date and Agenda Items: The next meeting is scheduled for May 16, 2012 at 6:30 p.m. at Town Hall without Roffers to review cooperative language for stormwater management and a maintenance plan for Elmer Road/14<sup>th</sup> Avenue. The next meeting with Roffers to review the next draft of the plan was scheduled for June 20<sup>th</sup> at 6:00 p.m. at Village Hall.

Adjournment: Motion by Keith Seward to adjourn, second by Bob Elkins. Motion carried at 8:27 p.m.

Nicholas W. Owen, Village Administrator