

PLAN COMMISSION

Minutes

October 4, 2018

Clerk/Treasurer Kaitlin Nye called the Plan Commission meeting to order at 6:00PM and noted compliance with the open meeting law.

Present: Pat Witter, Dennis Parsons, Gary Kowalke, James Allen, and Don Larson

Also present: Atty. Julia Potter, Engineer Tim Mikonowicz, Clerk/Treasurer Kaitlin Nye, David Dahlke, and law clerk Cat Wiese

Absent: Claire Barnett and Mike Wetak

Clerk/Treasurer Kaitlin Nye asked for nominations from the floor for Chairperson of the Plan Commission. Gary Kowalke nominated James Allen. Moved by Gary Kowalke, second by Don Larson and carried that James Allen is the Chairperson.

The Pledge of Allegiance was recited.

James Allen reported there was a request that item D under New Business on the agenda be moved to the first item. Motion by Don Larson, second by Gary Kowalke to adopt the Agenda and move item D under New Business to the first item. Motion carried.

Motion by Don Larson, second by Pat Witter to adopt the previous Plan Commission minutes. Motion carried.

CORRESPONDENCE: SCDC Fall Leadership Forum

REPORTS

- A. Zoning Update:** Tim Mikonowicz reported there has been a lot of activity over at the U-Haul building with contractors coming and going at all different hours and that Jeremy Peach spoke with the managers regarding the Village's ordinances and the noise level and they were very receptive. Tim Mikonowicz also reported that U-Haul will be disconnecting their lights in the parking lot until they can have a footlight study performed. There was also some discussion on a few of the Board members meeting to do a walk-through of U-Haul to see their updated building.
- B. Village Board update:** James Allen reported the main topic from the Village Board was item C on the agenda which they will be discussing.
- C. Village Attorney update:** Atty. Potter reported the Board approved the partial release of easement for Lot 1 of CSM 5089 and the creation of TID 3 and subtraction of territory from TID 2.
- D. The Economic Development/Tourism Commission update:** David Dahlke reported that NAPA submitted an offer on the Old Shoe Box and Fratelli's but the bank has not accepted the offer yet and the offer is contingent on the sale of the NAPA store. David Dahlke reported he attended the re-opening of the Kwik Trip this week. David Dahlke also reported the Branding Initiative has four logos they are still reviewing and MSA is working on a proposal for new entrance signs in the Village.

NEW BUSINESS:

- A. David Dahlke presented his request to modify the building restriction on CSM #5089, First Addition to Fox Meadows so that it does not apply to Lot 1. David Dahlke spoke at length in support of his request, explaining that there is a natural ditch that already exists on the lot that he believes would convey a 100 year storm event and he has not seen any water shed through there the past 20 years he has lived there. He pointed out that it would be laborious and counter-productive to clear cut the existing trees and vegetation located within the easement area in order to construct the drainage way required by the

building restriction. David Dahlke explained that any fill that is removed from building any buildings on Lot 1 will get built up against the back side of the lot where the natural ditch already exists, which would further increase its ability to convey a large storm event. Atty. Julia Potter referred to her memo and explained to the Board the legal standards that apply to their decision. Tim Mikonowicz went over his memo and asked the Board to take a few minutes to review the memo. Pat Witter expressed her concern on setting a precedent for other property owners and future developers. James Allen pointed out that this parcel is very unique in that no other parcels in the Village have these types of restrictions to his knowledge. Tim Mikonowicz explained from a liability perspective they do not have any technical data to show that the existing ditch could convey a 100 year storm event, and explained how that technical data would be generated. Gary Kowalke reported he went out to the property the other day after it had been raining and checked it out and said he didn't see any concerns. Gary Kowalke explained he called Warren Mohar to get his opinion on the matter and he believes that Warren Mohar was planning for the future and he wanted to be conservative. Don Larson asked if there were any other drainage easements on the surrounding properties and Tim Mikonowicz responded, other than Lot 2 of the CSM, there were not. There was some discussion on the liability for drainage issues in Wisconsin and considerable discussion of the unique characteristics and history of Lot 1. Jim Allen asked if the Village could possibly pay for MSA to conduct the study to determine if Lot 1 could convey a 100 year storm event. Atty. Julia Potter said she would have to look into that if the Village Board decided to consider it because she was not sure if the Village would even have that option legally. After considerable discussion, moved by Gary Kowalke, second by Don Larson to recommend that the Village Board approve modifying the building restriction on CSM #5089, First Addition to Fox Meadows so that it does not apply to Lot 1. Motion carried.

- B. Chairman Allen opened the public hearing regarding the proposed amendments to sections 17.08(13), 17.08(32) and 17.20(13) of the Zoning Code regarding carports. No members of the public wished to speak on the topic. Chairman Allen declared the public hearing closed.
- C. Moved by Don Larson, second by Dennis Parsons to recommend to Board approval of an ordinance adopting proposed amendments to 17.08(13), 17.08(32) and 17.20(13) of the Zoning Code. Motion carried.
- D. After further discussion regarding Accessory Buildings, moved by Gary Kowalke, second by Don Larson to recommend to Board as a tentative amendment to the Zoning Code the exact same language recommended last time, 17.20 (15) Accessory buildings shall be constructed out of durable materials, match the architecture of the principal building, and be built on a permanent foundation, with someone to explain in more detail to the Board what "permanent foundation" means under the Zoning Code. Motion carried.
- E. Moved by Don Larson, second by Pat Witter to recommend to Board approval of setting the building design permit fee to \$50 for Zoning Code Section 17.38. Motion carried.
- F. Moved by Gary Kowalke, second by Pat Witter to recommend to Board approval of amending the TIF policy to waive the processing fee and require a predevelopment agreement instead. Motion carried.

Adjourn: Motion by Don Larson, second by Dennis Parsons to adjourn at 8:21 PM. Motion carried.

Respectfully submitted,
Kaitlin Nye, Clerk/Treasurer

It is possible that members of, and possibly a quorum of, governmental bodies of the Village of West Baraboo may be in attendance at the above stated meeting to gather information. However, no formal action will be taken by any governmental body at the above stated meeting.