

DRAFT MINUTES

Meeting of the  
Capital Area Regional Planning Commission  
November 13, 2014 City-County Building, Room 201, 210 MLK Jr Blvd, Madison 7:00pm

RPC Meeting Policies and Deadlines

**Registering and Speaking at RPC Public Hearings and Meetings:** Persons wishing to speak must register and give the registration form to the meeting recorder before the corresponding "Public Comment..." or Public Hearing item is taken up. Oral comments will not be heard for individual agenda items not designated for public hearing, but will be heard under the "Public Comment..." agenda item. The time limit for testimony by each registrant will be 3 minutes, unless additional time is granted at the discretion of the Chair. However, for public hearings on USA/LSA amendments, applicants are granted a maximum of 15 minutes to testify, and other groups of registrants may pool their time of 3 minutes each up to a maximum of 15 minutes. Commissioners may direct questions to speakers. The RPC may alter the order of the agenda items at the meeting.

**Deadlines for Written Communications:** Written communications intended to be provided to the Commission and considered as part of the information package for a public hearing or agenda item should be received in the RPC office no later than noon, 7 days prior to the meeting. Written communications received after this deadline will be reported and provided to the Commission at the meeting.

**RPC Action Scheduling:** If significant controversy or unresolved issues are raised at the public hearing, the RPC will usually defer or postpone action to a future meeting.

Present: Joe Ball, Zach Brandon, Marc Geller, Ken Golden, Kris Hampton, Eric Hohol (arrived at 8:04pm and was excused by Chair Palm to leave at 10:00pm), Jason Kramar, Peter McKeever, Ed Minihan, Caryl Terrell, Evan Touchett

Staff Present: Phil Gaebler, Sean Higgins, Kamran Mesbah, Steve Steinhoff, Laura Thomas

1. Roll Call at 7:04pm; Chair Palm called the meeting to order at 7:04pm.

2. **Approval of minutes of the October 9, 2014 meeting (*actionable item*)**

Mr. Hampton moved approval; Seconded by Mr. McKeever. Motion carried.

3. Review of agenda – no changes made

4. Public comment on matters not for Public Hearing

Chair Palm reported that he has 16 registrants to speak on the topic of Item 6 who have registered to speak as Agenda Item 4.

Mr. Brandon confirmed that the Public Hearing for Item 16, Fitchburg Northeast Neighborhood, has been closed. Mr. Kramar added that the Commission is ready for the staff presentation on Northeast Neighborhood and asked if Agenda Item 4 could move further down in the agenda. Chair Palm replied this would have been under Item 3.

Chair Palm said with no motion on the floor, he will call the registrants to speak on Agenda Item 4.

**Ed Kuharski, Madison, WI** – Registered in opposition - "In the spirit of this interpretation of Item 4, speaking generally, the CARPC has done its best with prudence and environmental

protection of our municipalities. I understand and hope you would stand up and be a body that stands for what its' charge and mission is. You are one of our bastions of local and county government who is left to protect us from the invasion outside. In memory of John Muir, Aldo Leopold, and Gaylord Nelson, please do good politics tonight".

**Kate Schulte, Madison, WI** – Registered in opposition - Does not wish to speak; Ms. Schulte said Mr. Kuharski covered the information

**Cassandra Dixon, Madison, WI** – Registered in opposition - Does not wish to speak

**Matt Rothschild, Oregon, WI** - Registered in opposition - "I oppose development and have just moved to the area. I live in Town of Dunn in Oregon on 7-1/2 acres which butts up to the protected wetlands and am a birdwatcher. I am worried about the wetlands and the wildlife and don't understand why development has to happen here."

**Jon Enders, Madison, WI** – Registered in opposition - Is not present

**Anita Clark, Fitchburg, WI** – Registered in opposition - Does not wish to speak

**Judy Plainbeck, Madison, WI** – Registered in opposition - Does not wish to speak

**Nina Camic, Fitchburg, WI** – Registered in opposition - Does not wish to speak

**Ed Korn, Madison** – Registered in opposition - Does not wish to speak

**Julie Borodin, Madison, WI** – Registered in opposition - Does not wish to speak

**Roger Peterson, Fitchburg, WI** – Registered in opposition - Does not wish to speak

**Jeanie Larsen, Madison, WI** – Registered in opposition - Is not present

**Ron Larsen, Madison, WI** – Registered in opposition - Is not present

**Patricia Larsen, Madison, WI** – Registered in opposition - "For decades, the town of Dunn has tried to protect our natural resources, farmlands, wetlands, prairies and control development. I don't see why Fitchburg with all its land and its township, has to pick this area right next to the town of Dunn that is trying to preserve so much that so many people are trying to enjoy and value. Why not building somewhere else? There are three big culvers where they are trying to build homes. This will all run into one creek and then into Lake Waubesa. Margaret Lalor would have said, 'I won't have it!'"

**Steven Chadderdon, Madison, WI** – Registered in opposition - "I am a remodeling contractor and carpenter, a small concern, and believe there is a lot better land to develop. We should trust science, preserve the wetlands, and protect Lake Waubesa. I have lived in Madison for 30 years."

**Calvin DeWitt, Oregon, WI** – Registered in opposition - Does not wish to speak

**Betsy Haynes, Madison, WI** – Registered in opposition - Does not wish to speak

**Katharine Odell, Madison, WI** – Registered in opposition - Does not wish to speak

**Mitchell Brey, Madison, WI** – Registered in opposition - "I came to the CARPC hearing 2 months ago and was not able to come last month. I am interested in the staff presentation tonight. I noticed two months ago, there were a number of goals CARPC were meant to consider when approving or disapproving urban service area amendments and not very many of those goals were met or exceeded; in many cases, the goals were simply neutral and I think we can do better. This land is a fragile ecosystem; a fishery is there and we will put a lot of pressure on that population if we change the environment. There's plenty of land to be developed and we don't need to do this."

**Christopher Daly, Madison, WI** – Registered in opposition - "I spoke 2 months ago. Much has been said about the need to clean up our lakes by local organizations and the city and county leadership so the fact that this is being considered is surprising as there is a lot of other land zoned for development. The ecological science is clear. If you risk dirtying Lake Waubesa, the entire chain of lakes will be in danger. We need to focus on preserving these places for the next generations. If I want to live in Madison for next 20-30 years, I want to live in a place that's respectful of the environment. We know runoff from these developments will potentially dirty these waters and with the intensity of the storms we're been having, especially over the last 2 years, there's a high likelihood of flooding in this area. It's a counter-intuitive move to allow for large scale development here. I emailed the council about 2 months ago. I urge you to reject the idea of allowing development here. Not only will the waters be muddied, but also the name of this Council."

**Phil Salkin, Madison WI** – Registered in support - "I am not here representing the Realtors Association but as an individual who has been involved with CARPC for almost 30 years, former mayor of Verona, work with the Realtors Association and as an archeologist. There are two important points to remember: (1) When you expand an urban service area, it does not imply that development will happen the next day. The worse thing you ever want to face as a mayor or a village president is getting down to one lot left and opportunity is out the door. As in Fitchburg, there is land in Verona to develop and slowly, over time, it will develop when the situation is correct and when there is demand. You don't want to wait on this because the process takes time. (2) The one thing we've always agreed on is that there is a wonderful staff at CARPC. These are the professional, technical staff and not elected officials or advocates. I think it behooves the Commission to take seriously the staff recommendations. The USA amendment request does meet the statutory requirements that created the CARPC and if you cannot follow your staff, why not disband?"

**Bill Horns, Fitchburg, WI** – Registered in support - "I was on the Fitchburg City Council when we developed our plan and I thought I knew a lot about the water issues. This development is no more threatening or risky for these wetlands than no development. Point 1 – we are comparing the issue of water quality with the impact of development vs. the impact of no development. We have a history in Dane County of ag lands being problematic in many cases for aquatic resources. Point 2 - I don't think the point has been made strongly enough what Fitchburg is doing in the areas of environmental protection. We have long

term growth planned in Fitchburg built around 4 principles: (1) To protect the best agricultural land; (2) to protect the best groundwater recharge lands; (3) to protect the wetlands; and (4) to favor development along existing corridors. I am upset and impatient to listen to casual implications and observations that Fitchburg is not doing its job. Fitchburg is doing its job.”

5. Discussion of Budget & Personnel Panel (*note: any members of BPP present at this meeting are invited to speak and will be included in all discussions under this item*)

**Jon Becker, Madison, WI** - “I hope at some point soon, we will get an explanation of who is supervising staff. For 7 years, we have an interim Deputy Director who has graciously stepped in to direct the department. There’s been good staff coming in and leaving. It’s up to the Executive Committee, the Commissioners, and to some extent, the BPP to shepherd the work plan and for instance, why have you not yet adopted the standard of stormwater infiltration of your own study, 100% pre-development stay-on? That report was out in draft in 2012 and done by 2013. Why aren’t those standards adopted, being applied to applicants? Why aren’t they being told as they apply? Tax payers have paid for them. Staff leaves and we get excuses that we can’t get work done without staff. But when staff leaves, that frees up salary money. Why wasn’t a consultant hired, for example, to finish up the work on population studies? That might have revealed that there was no need beyond the 2025 land demand for this property.”

6. **Amending the Dane County Land Use and Transportation Plan and the Dane County Water Quality Plan by Revising the Central Urban Service Area (CUSA) Boundary and Environmental Corridors in the City of Fitchburg (Northeast Neighborhood)**

- a. Staff Presentation- Sean Higgins, Community Planner and Phil Gaebler, Environmental Engineer

Mr. Higgins introduced the staff presentation. The proposed addition is a total of 985.9 acres. Existing land use is mostly agricultural with 308 acres woodland and open space. Proposed land use includes 312.5 residential acres comprised of 944 -1,570 new residential units. An archaeological survey is recommended for areas not already surveyed.

Mr. Gaebler reported on natural resources. The amendment area is split between two subwatersheds: Nine Springs Creek (47%) and Swan Creek (53%). The majority of new development will occur in the Swan Creek watershed. Pre-development groundwater recharge is 9.5 inches per year. The groundwater model is a regional model containing averages as any regional model would. There was criticism in the public hearing over the details in this input due to the use of a regional model. A large Madison well will be pulling groundwater from the northeast corner of the Northeast Neighborhood. Looking at groundwater flow, the contributing areas for the great fen and Waubesa wetlands is to the southwest of this development and not in this development.

Mr. Gaebler reviewed regional wetlands and buffers identified in the amendment area. He specifically reviewed Wetland 6 – a disturbed/farmed wetland north of Goodland Park Road and just west of Larsen Road. On behalf of Mr. McKeever, Mr. Gaebler looked into research on migratory birds in farmed wetlands – very little nesting occurs but food and forage is available. During the wetland delineation survey, soil borings have occurred.

There is a vegetative buffer proposed equivalent to 300 feet. The photo on Slide 28 shows some standing water, but not enough to prevent farming.

Mr. Higgins continued with CARPC criteria. In June, Fitchburg estimated 1,098.3 acres of available developable land in Fitchburg. Fitchburg has its own self imposed cap based on 2003 DOA population projections which are more conservative than 2008 projections. Looking at both North Stoner Prairie and Northeast Neighborhood, the development would bring this up to Fitchburg's self imposed cap of 1875 acres. The approximate maximum number of people who could be accommodated by the lands planned for residential development and currently within Fitchburg's portion of the CUSA is approximately 9,546. The Northeast Neighborhood could accommodate an additional 3,611 residents. There is a range of 944 to 1,570 housing units planned with the lower end of the range resulting in 3.9 units per acre. Based on the 2010 census, this would equate to 520 school-aged children. All existing, possible, and proposed housing could accommodate approximately 12,883 new residents over 26 years of growth.

With current fire station locations, there is a section in the Northeast Neighborhood where the fire response time is not within the 5 minute goal. But plans are in place for relocation of existing fire stations and the addition of a Northeast station to enable the entire amendment area to have expected response times within the City's goal of 5-minute fire response.

Mr. Gaebler reviewed stormwater management goals which meet or exceed Wisconsin, Dane County, and Fitchburg standards. There has been discussion on whether or not we are using the appropriate rainfall depths. NOAA has done extensive analysis to incorporate current rainfall patterns. They specifically looked at Madison rainfall 1896 through 2010. NOAA did this for the entire Midwest and analyzed 1200 rain gages. They did not find that for a region as a whole that we are shifting into a different rainfall pattern yet and have done minimal incremental shifts to our rainfall depths.

For designing detention basins, for smaller, more frequent storms, there will not be much necessary change in design. For the larger storms, 25 years and up, they will get a bit larger. If Dane County adopts the Atlas 14 rainfall distributions, Fitchburg will mirror the county's ordinances and there will be some slight changes in how detention basins are designed.

There is a concern of flooding in the Meadowview Neighborhood. The Town of Dunn commissioned a report from Earth Tech which Mr. Gaebler reviewed. Conservative runoff numbers were used for analyzing the flooding problems using Curve numbers of 77 and 78. They also estimated 261 acres draining through Meadowview. If you look at what the Northeast Neighborhood is going to be held to, they have to match peak flows to 68 for agricultural lands and 58 for woodlands. Additionally, when he re-delineating the watershed, he found it does not drain to the east but drains to the south and to the west. The peak flows that will be coming to Meadowview after the development of Northeast Neighborhood will be less than what was in the report and the recommendations in the report are still valid.

A question was raised as to why we are not doing 100% stay-on. If you achieve 100% stay-on in the smallest footprint possible, it will always increase the amount of groundwater recharge over existing conditions with the potential for groundwater induced flooding. 90% stay-on can be achieved in a way that will match current

groundwater recharge which will protect ground water resources and reduce the risk of mounding and groundwater induced flooding. The current stay-on is the 9.5 we are holding Fitchburg to match that recharge rate. The difference between 100% and 90% stay-on is approximately 2.9 inches of stay-on per year. With the density of this development, the 90% stay-on can be achieved which is the Dane County and the CARPC standard. The question was raised at the public hearing – what if we aren't picking the right recharge number? Mr. Gaebler spoke with Ken Bradbury on this, who suggested a sensitivity analysis as part of setting the recharge standard for the stormwater management on this site.

Fitchburg has also discussed with developers and consultants the use of low impact development strategies. Fitchburg has gone above and beyond in phosphorus reduction modeling a 50% reduction in total phosphorus. Questions have been raised on how stormwater management facilities are maintained. City staff performs inspections of all of their publicly owned facilities and these facilities will be publicly owned.

Ms. Terrell asked if the restrictive standards in the last slide are now incorporated in the City of Fitchburg's conditions.

Mr. Gaebler said this question would need to be asked of the City of Fitchburg.

Mr. Minihan asked how the infiltration rates will be monitored after this is built.

Mr. Gaebler answered that the City of Fitchburg will monitor their devices to make sure they are functioning and if they do not show signs of failure, the assumption would be that they are meeting the modeling that was done. CARPC staff will approve the designs but CARPC would not monitor the operations unless there is need for evaluation.

Mr. Ball asked where the water would go if the basins fail.

Mr. Gaebler said that water, depending on which portion you are in, will overflow and go into Swan Creek, into the wetland across Larsen Road, or into Nine Springs Creek.

Mr. Brandon asked for clarification on Mr. Gaebler's statement - "this could easily contain the 2008 flood waters as proposed".

Mr. Gaebler answered that the environmental corridor around the wetland near Larsen Road can provide vegetative buffers that could be designed to contain the flood water from the 2008 storm.

Mr. Brandon asked if that is equal to a 300 foot buffer.

Mr. Gaebler answered that the habitat area would be equal to a 300 foot buffer but hydrologically speaking, the entire buffer area would not be needed to contain flood waters.

Mr. Minihan asked how many USA analyses Mr. Gaebler has done for CARPC. Mr. Gaebler answered, "5".

Mr. Higgins continued with the review of the CARPC Advisory Goals. The proposal supports 9 goals, conflicts with 2 goals and is neutral or offsetting for 3 goals. The proposal conflicts with the goal of promoting compact urban development in that it comes in at 6.4 dwelling units per acre whereas CUSA is 6.9 dwelling units per acre with the lower end of densities of single family dwelling units being 3.9 dwelling units per acre. It conflicts with the goal of protecting agricultural lands, although there are offsetting affects here – 44% of the amendment area (434 acres) are prime agricultural soils. There is a requirement that the 69 acres to the northeast remain in farming. Fitchburg is the only city in Wisconsin that has a farmland preservation zoning certified by the State.

Mr. Gaebler said that the City of Fitchburg's application shows that environmental functions are being preserved.

Mr. Higgins reviewed conditions and recommendations for approval of this amendment.

Mr. Golden asked why the approximately 160 green or undeveloped acres that are non-agricultural lands are not in the environmental corridors. Green space is 217 acres and only 98 acres are in environmental corridors.

Mr. Higgins said that in some cases, there are lands in the proposal that are not suitable for development because of steep slopes or it being a drumlin area but they are not required to be in environmental corridors. Mr. Gaebler added that we have recommended, and the City of Fitchburg has agreed, to put the steep wooded slopes within the corridors but there are wooded areas within the acreage that are not in environmental corridors.

Mr. Golden said there could be changes in development plans after CARPC's involvement and asked if this would come back to CARPC if it affects the stormwater system that is currently being considered.

Mr. Higgins said, as an example, there is around 30 acres that Fitchburg staff indicated might be subject to future development because it is not in public hands. Any development in these areas would be subject to review by Commission, a required zoning change, and coverage area requirements. Mr. Mesbah added that CARPC would become aware of this through the sewer extension review process and would evaluate its impact. This could be brought back to CARPC if it is determined there is change to the land use with substantive impact.

Mr. Golden asked how approving roughly 500 developable acres out of the 3,600 plus acres allowed in the CUSA affects the potential plans of other communities in the CUSA. Is this more than Fitchburg's "share"? The plans call for residential development but there is no timeline given.

Mr. Higgins said that the CUSA is not subdivided. Mr. Higgins said he does not think this acreage is out of line with the annual growth rate of Fitchburg, and what the Census data has shown, approximately 12,000 new residents over 26 years of growth.

Mr. Golden said that 2.3 people per dwelling unit sounds high given population trends and asked for clarification of this number. "In the past few decades, we have gone from 50% of our households to being two parent families to 25% of our households being two

parent families. Elders are living longer as single member families. There are 56 acres of multi-family units planned at 11.4 per acre yet multi-family is generally lower than single family. Economics is also driving down the size of families.”

Mr. Higgins said the 2.3 people per dwelling unit is consistent with DOA projections for 2040. The analysis that the 2.3 looked at all the unbuilt lots and the population multiplier on those lots was 2.8 - 1.8 in areas of high residential units and 2.3 in the medium density residential units. Based on the mixture of housing units, the number ends up to be 2.3.

Mr. Golden asked about the discrepancy in the figures used in the analysis - 4.6 dwelling units per acre - when the Northeast Neighborhood Plan reads that the density recommendations in the plan is a “minimum average of 5 dwelling units per acre”. Why is this?

Mr. Higgins said the plan may not be accounting for environmental corridors or right of way acres.

Mr. Golden added that the density for single family homes at 4.6 per acre makes it impossible to generate sufficient transit ridership. Mass transit requires higher density. There still are substantial residences that will be more than 1/4 mile from transit.”

Mr. Golden said “there is a beltline PDL environmental linkage study going on right now with public hearings currently being held around the county. Fitchburg should make their feelings known about park and rides and this could be included in the recommendations to invigorate transportation planning.”

Mr. Higgins said this could be added to the CARPC recommendations.

Mr. Hampton asked what “open land” referred to?

Mr. Higgins answered that those may be publicly or privately held lands that are woodland or forest. The categories that CARPC looks at and the Neighborhood Plan do not always sync up. Mr. Higgins added that “open lands” in our land use survey could have been applied to a fallow field where the surveyors could not ascertain the land use.

Mr. Hampton asked if the Uphoff Farm could ever be more than agricultural land. Mr. Higgins said that the preservation language would need to be interpreted and from a non-attorney point of view, he said he thought the land use would have to be agriculturally related.

Mr. Hampton said stream flow was talked about for 2030. Do we not look beyond that?

Mr. Higgins said that when that study was done, that was the farthest population window that we had and the pumping rates were based on that DOA population.

Mr. Hampton asked if we always depend on a municipality to tell us what their estimate of undeveloped land is.



Mr. Higgins said in this case, we asked for this in their application. Mr. Higgins said he did get the GIS layer from Fitchburg city staff and it is accurate, and is in line when compared to our own land use inventory.

Mr. Hampton said it does bother him that Fitchburg does not meet the CUSA average of 6.9 dwelling unit/acre and is lower at 6.3. Mr. Hampton asked, citing (f) in the proposed Resolution conditions, if all stormwater practices are publicly owned in cities?

Mr. Higgins said, they are. This is standard language. There are situations, however, where privately held infiltration basins can be next to commercial properties.

Mr. Hampton cited (10) in the proposed Resolution recommendations and said he would recommend that the City of Fitchburg take over CTH MM at the time of development so that it is not a county road. The needs of development and changes for MM could then be at Fitchburg's expense and not a county expense.

Mr. Kramar cited Staff Recommendation #1 in the proposed resolution referring to stormwater management. He asked if this is included because Fitchburg uses Dane County as their designated stormwater agency or is that something CARPC asks for.

Mr. Mesbah answered that CARPC asks for this to make sure there is coordination on the stormwater review process between CARPC and the Dane County Land and Water Resources Division. The county operates the lakes and the dams on the lakes so they can see things we don't see and vice versa so we coordinate with each other to make sure that all of our plans are consistent. It is at CARPC's request and started in preparation for the dissolution of the previous RPC because it was not clear who would be able to review the stormwater plans as the Commission requires. Benefits were then recognized aside from dissolution and the practice has been continued. It is a joint review.

Regarding the City of Fitchburg farmland preservation plan, Mr. Minihan said there are only two municipalities in the state of Wisconsin that have a farmland preservation program – the Town of Bayfield and the Town of Dunn. There are no conservation easements, Mr. Minihan said, that he knows of, that the City of Fitchburg has, other than the ones the Town of Dunn holds. What they have is a zoning plan and that can change with the whim of the staff and the City Council.

Mr. Higgins said he wishes to clarify his earlier statement by saying it (City of Fitchburg) is certified at the state level for the purposes of receiving state monies related to farmland preservation.

Mr. Minihan said that conservation easements are not subject to a great deal of interpretation.

Ms. Terrell said that that the CARPC Commission had invited testimony in July by Professor DeWitt who provided an extensive presentation about rainfall data which was also posted on the CARPC website. "How did staff make use of Dr. DeWitt's information?"

Mr. Gaebler said he looked at climate change rainfall impacts from the WICCI report and the NOAA document. He did not incorporate information from the source Dr. DeWitt

used. Mr. Gaebler explained that he went down the path that is driving the ordinances that would be enforceable by CARPC and that is the NOAA data.

Ms. Terrell asked about the conclusions and how data was rectified, and whether or not the stormwater management designs would take care of the rainfall figures Dr. DeWitt presented.

Mr. Gaebler said that the water quality component of rainfall runoff is pushed down to smaller, more frequent storms. This information indicates that we would have larger storms in a more frequent interval, with a shift in the time in which we get more of the rain, shifting more to the spring season. When we look at the amount of water that would get filtered through an infiltration basin and treated to the water quality standards inside detention basins, we are still able to treat those smaller storms - the 1 year storm up to 2.9 inches of rainfall - within that basin for 80% TSS, and then in an infiltration basin designed to infiltrate it.

Mr. Gaebler continued to say that more frequent storms will wash off a lot of the pollutants from street surfaces so it is not as critical to run larger storms through as stringent a treatment. With the larger storms, we are more concerned with whether or not we have designed flood control properly. If we get up to 6.5 inches of rainfall in a detention basin to match the peak flows before development, then even if we have more frequent occurrences of the storms between the 1 year and the 6 year, we have adequate capacity to manage peaks properly.

Ms. Terrell said there are several factors that people are talking about given the impact of climate change on the ability of traditional stormwater devices to manage the runoff. There may be times when the treatment facility has not had a chance to drain down.

Mr. Gaebler agreed. There may be an increased risk that back to back large storms could occur within the Dane County standard 72 hour draw down, 48 hours for infiltration basins, or a smaller storm right after a large storm, resulting in less than full treatment. This is something we need to address regionally for stormwater management in an adaptive measure for climate change. We cannot apply new water quality storm standards as a regional planning commission. The DNR standards dictate how to achieve water quality goals. There is no easy tweak to apply for the possible risk that Dr. DeWitt raised.

Ms. Terrell said that if you are looking just at the land in the Northeast Neighborhood, that statement might be OK. "But if you are looking at where any water overtops a detention basin or whatever stormwater management plans are in place and it is going into creeks going through the West Waubesa Wetlands, are you taking into consideration the impacts if they are overtopped on Swan Creek and the West Waubesa Wetlands?"

Mr. Gaebler said that is a very difficult analysis.

Ms. Terrell said she thinks it is critical not to just look at "what is inside the lines of the plan" but what kind of impact this or any plan has on the neighboring areas. "You need to also look at what is downstream. If there is a failure of the required stormwater detention, what will be the consequences to neighboring areas? Professor DeWitt talked about one of the streams' failure to perform its wetland functions and sediment was

coming into the stream. This development will have some impacts on Swan Creek. How did you incorporate this into your analysis and requirements?"

Mr. Gaebler said he looked at the NOAA data and the frequency and volume of water quality for the 1 year storm. That volume of rainwater is not changing. The standard we use right now is that these storms are not getting treated to 100% and they won't in the future. Fitchburg is going above and beyond the state treatment standard by requiring 60% TSS reduction for the 5 year storm. The philosophy behind not having to treat larger storms to 80% TSS reduction is that by the time all that water comes through from an urban area, there is little sediment load coming off surfaces. In an agricultural setting, this is different, since gullies can form which produce massive amounts of sediment.

Mr. Mesbah added that the DNR has sent guidance and said the risk of failure is not something for us to worry about. We assume these facilities are maintained by the municipality (the designated management agency). There was a similar situation in Verona three years ago when the Commission was having concerns about failures.

Mr. Brandon asked if staff would recommend, without reservation, approval with staff recommendations and conditions.

Mr. Gaebler said with the staff recommendations for the additional soil borings and the additional sensitivity analysis which will set the WGNS recharge number, yes.

Mr. Kramar motioned to approve the amendment request with staff recommendations; Seconded by Mr. Brandon.

Mr. Mesbah clarified that 8 supporting votes are needed to pass the amendment. If it gets 7 votes to pass, it will automatically come back for a revote because one member is absent (resigned). This is what the bylaws read.

Discussion followed.

Mr. Minihan said he agreed that Fitchburg is looking ahead. He said that Ms. Terrell indicated we only look at waterways within the USAs and that we don't look downstream. Mr. Minihan said we also don't look upstream and referred to a memo he distributed at the meeting (Attachment A: Memo to Mr. Minihan from Mr. Kollenbroich) The area is a bridge located less than one mile from the proposed Northeast Neighborhood development and the reporting engineer indicated that the design of the culverts will allow higher discharges into Swan Creek.

Ms. Terrell spoke on the value of the West Waubesa Wetlands. "Fitchburg is developing around and to the north of the West Waubesa Wetlands. Presenters have told us that even though the West Waubesa Wetlands are partially protected by the Nature Conservancy, the West Waubesa Wetlands Association, Dane County, and other organizations, damage has been done to the West Waubesa Wetlands due to stormwater runoff carrying nutrients and sediments into Swan Creek. This was dramatically shown by Dr. DeWitt in July. The canary reed grass invasion comes from the intrusion of sedimentation and excess stormwater. One of the other things was the unique groundwater flow through West Waubesa Wetlands and in that same presentation, he showed the impairment of Swan Creek not being able to perform a very

important wetland service to Lake Waubesa by the flow of groundwater and the creek supplying cold water that acts as a flushing mechanism to help keep Lake Waubesa healthy. Dr. DeWitt showed us flooding from August, 2007 from Murphy Creek and Deep Springs Creek were still providing those services to Lake Waubesa. The development the Northeast Neighborhood will further impair the very important flushing and cleansing services that water entering West Waubesa Wetlands, particularly from Swan Creek, has been providing over the years.”

Ms. Terrell continued to say that research was provided to the Commission by Dr. Zedler about the impact of excess nutrients and excess sedimentation on wetlands and on stormwater management practices. “Because many of the presentations were short, links were provided to research papers which clearly show why many stormwater management swales fail. It is a lack of science looking at how they actually work and the importance of knowing what kind of substrate there is and what kind of biota is growing in the swale. This information needs to be used sooner rather than later. We are talking about protecting the West Waubesa Wetlands which has always been a priority #1 wetland area in Dane County, designated in 1974 by the Dane County Regional Planning Commission and repeated in the 2008 wetland document the Regional Planning Commission produced. If there’s any place we should be trying our utmost to protect, it is our water and what it is carrying – sediment, excess nutrients, invasive species. I’m concerned we are even considering this development with the potential for damage to West Waubesa Wetlands. I am concerned that some of the research being presented is not even being considered as conditions for how the stormwater detention plans are going to be approved. I am concerned we are using state of the art but not successful stormwater best management practices and just assuming they will rise to the occasion and protect the West Waubesa wetlands.”

Ms. Terrell concluded that the CARPC has failed to make adequate use of the testimony given. “I am voting against this proposal. I will provide my notes to the record as I don’t want this information lost and want to make sure people who are trying to protect West Waubesa Wetlands have access to this information. (NOTE: The information is already part of the record of the amendment as part of the meeting materials). The conditions and recommendations in the CARPC resolution will not adequately protect the West Waubesa Wetlands. We need to take responsibility for stewardship of this resource and if we approve development next to it, we should be setting the highest standards, not just the ordinary stormwater management requirements.”

Mr. Minihan said the possibility of failure here really does need to be taken into account. Dr. Zedler told us all about detention basins. “The Town of Dunn has four detention basins in this area. They are a pain to maintain. It is very difficult to make sure these detention basins are operating properly. I liked Mr. Touchett’s first question at his first meeting earlier this year which was, “And who is going to enforce this?” This was my first question at my first meeting. We had a regional director from the DNR come in from Mazomanie and tell the Commission they don’t have the staff to enforce it and they aren’t going to enforce it. So, if we are depending on the DNR to ensure working operations, even with all of the indications of failure we have been warned of, I will be voting against this. Failure of this kind of resource has all kind of repercussions. This will affect the economy. Senior management from EPIC Systems live around Lake Waubesa. It is the major geographic feature of this area that draws residents to this area and makes it one of the best places to live in our state and in the United States. The chance of failure is too great.”

Mr. Brandon said he "has always looked at the role of the Commission as being that of balancing growth and protecting the environment and understands the sense of stewardship that accompanies this. The work that is done by our staff is tremendous and I have never in six years felt any inclination to second-guess the work our staff has done. We look at growth in population, schools, and the need, both economic and social, and growth is a reality of what we do. Otherwise, there would not be a commission. The fact that the appointing authorities, the majority of the municipalities in this county have created this entity, have chosen to create this entity, we have a tough responsibility balancing growth and protecting the environment."

"We are not at the bare minimum (Stormwater Standards) when I see the 90%. We are pushing the envelope; we are setting a higher standard and the applicant has agreed to that. I continue to hear about engineering failures without real cause to set this alarm. I continue to hear - what if it doesn't work? If we did this in all walks of life, we would be incapacitated. I have great respect for my fellow Commissioners who lean towards the preservation side rather than the growth side. I have faith in the staff; I have faith in the engineering. I agree the West Waubesa Wetlands is a key signature gem of our region."

Mr. Brandon continued, "I keep hearing the question of who is responsible for the upkeep. It is the same as the upkeep for a road, a culvert, or a bridge. You either believe you can trust in the engineering, the science and the technology, or you don't. It's not about who is good or bad, or that some people believe in protecting natural resources. It is about believing in what the engineering produces and can be designed to protect this interest. I think the answer is unequivocally, yes. We are the cutting edge that sets high standards and pushes municipalities to the brink of what we are doing."

"If this amendment request fails, it will go to the DNR for appeal. I don't blame the applicant for exercising their right to appeal. The outcome is pre-ordained. A victory here tonight risks less preservation and less stewardship. I know it is a tough choice. But I ask fellow Commissioners to consider what the outcome will be on appeal and in good conscious, to support this amendment request."

Mr. McKeever spoke. "I believe I was appointed to this body not to represent the views of my appointing authority or just echo the opinions of the staff. I think I was appointed to exercise my independent judgment. I have worked in land use and land conservation since 1989 and one of the first places I worked was in the area of the Waubesa Wetlands. I believe I have knowledge and experience that qualifies me to exercise this judgment."

"I find the science we have heard absolutely persuasive," continued Mr. McKeever, "from Dr. Zedler, Dr. DeWitt, Dr. Nauta, former Commissioner Sally Kiefer, just to name a few, with scientific credentials who spoke of the risks to this area. I don't think there is any justification to playing roulette with this in any way. I've read all, each one, of the comments provided from the public. The comments reflect how this community values water quality. The public opinion in this case supports the science."

"Science and technology are different. Science is based on research and theory, going out and finding results, peer reviewing and publishing results. Technology is based on - let's try it. I am not concerned about failure; I think the standards we are asking for are simply not adequate to protect this wetland. As an independent agency, we are charged

with leading the protection of water quality with using our own judgment and discretion. I believe it would be very difficult to develop in this area and protect this wetland. This wetland may be one of the highest quality wetlands in our state. The West Waubesa Wetlands add richness to our community.”

Mr. McKeever continued, “In the number of years I have been here, this is the most important project we have faced and to some extent, determines why we are here. We could otherwise simply let staff make decisions. The science here is persuasive. I would hope we will turn this down and let the process run its course. Whether or not Brandon is right on appeal, the message we send is important. Some places are not worth playing roulette with and we cannot play roulette with this.”

**b. Consideration of CARPC Resolution 2014-15 (*actionable item*)**

Chair Palm confirmed discussion was over and called for a vote.

Mr. Touchett – Yes; Mr. Ball – No; Mr. Brandon – Yes; Mr. Geller – Yes;  
Mr. Golden – No; Mr. Hampton – No; Mr. Hohol – Yes; Mr. Kramar – Yes;  
Mr. McKeever – No; Mr. Minihan – No; Ms. Terrell – No; Mr. Palm – abstained.

Motion failed.

**7. Report and Discussion on FUDA planning process and CRSC activities**

Steve Steinhoff, Director Community and Regional Development Planning, gave a brief report. FUDA updates include completion of the Stoughton project to incorporate this into part of the FUDA study. FUDA outreach includes communication with the City of Madison on new FUDA areas either to the west, southwest or to the east, southeast as part of the overall plan for completing the environmental conditions report for the CUSA.

CRSC updates include working to reschedule a visit from Robert Grow in the spring. His visit was part of doing outreach and recruitment to government, non-profit, and business leaders in the region and to lay the groundwork for the update of the regional development plan that CARPC is charged with.

Mr. Steinhoff is working on finalizing the Indicators Report based on the priorities developed by the CRSC. The indicators have been selected and baseline measures have been developed. HUD requires this document as one of the last remaining deliverables from the HUD grant.

Matt Covert from 1000 Friends will join CARPC staff as a Community Planner next week. Goals are being developed for 2015 and beyond. One goal is to develop a mini-FUDA, perhaps over a 3 month period, to make the FUDA product easier to use. Another goal is to develop CARPC revenue sources. Mr. Steinhoff is doing an analysis of grant options. Another goal is to extend relationships with surrounding counties.

Mr. McKeever noted that the entire Commission has not had an opportunity to discuss the leadership team and suggested this as a future agenda item for the Commission – a briefing on its concept, what is intended, and how its role differs from the Commission.

8. Presentation of the 2013 Financial Audit and Report by Schenck Business Solutions

Mike Konecny from Schenck gave an overview on the December 31, 2013 CARPC Annual Financial Report. Copies were available at Commissioners' place settings. An audit of federal monies received was also performed.

Mr. Golden asked if there was anything Mr. Konecny would recommend for the CARPC to do differently than is being done,

Mr. Konecny said, yes. The recommendation was included in the management letter, Page 4, referring to revising the chart of accounts to record costs by project. Mr. Mesbah added that with the upcoming outsourcing of financial services, Schenck is preparing this change. The results of the HUD audit indicates no specific findings or non-compliance items.

Mr. Golden said when we accumulate costs per program, wouldn't that give us the basis to more easily identify where we need funds.

Mr. Mesbah said that is essentially what we did when we came up with urban service amendment fees. This will be in place for 2015.

Mr. McKeever asked Mr. Konecny to comment on the situation in recent years where we were borrowing from future liabilities and how we have done with it. How can we avoid getting there again?

Mr. Konecny said, "You had -\$12,000 in your equity at the end of 2012. In 2013, we were projecting to have close to \$200,000 in deficit until the Commission addressed this. The HUD grant helped in recovery".

Mr. Mesbah said there was also savings in vacant positions and staff turnover zeroing sick leave balances.

Chair Palm said the communication document from Schenck will go out to Commissioners.

9. Consideration of Authorizing the Deputy Director to execute a financial services contract for 2015 (*actionable item*)

The packet containing two proposals were provided, one from Johnson Block and Company, and one from the Southwest Wisconsin Workforce Development Board. The Executive Committee recommended the Workforce Board. The SWWDB has worked with the Southwest Wisconsin Regional Planning Commission, have come highly recommended and come at a slightly lower cost.

Mr. Kramar motioned to proceed with the Southwest Wisconsin Workforce Development Board; seconded by Mr. Hampton.

Mr. Kramar asked if CARPC is liable on the contract if the Commission dissolves. Mr. Mesbah said, no.

Motion carried unanimously by voice vote.

**10. Consideration of Draft 2015 Work Program and 2015-2020 Overall Program Design and Draft 2015 Budget to be disseminated to local units of government for comment (*actionable item*)**

Mr. Golden motioned approval of the version as revised and recommended by the Executive Committee; seconded by Mr. Hampton.

Mr. Golden reported that the work program stays as is. An Executive Summary was created by assembling information from page 11 and rearranging to make it a more readable, streamlined document. The general content is the same; the layout will be more user friendly with sections retitled.

Mr. Golden spoke on the budget. The current version of the budget has a \$39,000 deficit. One of the members of the Executive Committee asked why we are saying this is a deficit. In the 2014 budget, we were able to save a considerable amount of money due to staff vacancies during 2014. The Committee was confident that \$39,000 is a manageable amount for the Commission to monitor and created a "Salary Savings" line item which then shows a balanced budget. There are other opportunities to see savings in the future, one example being Legal Services budgeted at \$25,000 which is required in the budget but ordinarily not entirely used.

Mr. Palm added that when speaking of salary savings, this is not to undo salary structure adjustment but in delayed hiring of vacant positions.

Mr. McKeever added that one other change made by the Executive Committee on the budget, not changing the numbers but in the presentation, is to move Line Item 46 to the summary page for a more prominent posting of fees.

Mr. Brandon said he has appreciated that we have not done the Salary Savings item in the past but asked to clarify that the vote here is whether or not to send this out for public comment.

Chair Palm clarified that is the purpose of the vote

Mr. Mesbah said that one recommendation from Mr. Konecny is what the reserves should be. \$100,000 is what the BPP wanted CARPC to have – 15% of \$1.2 million is \$180,000, and we are not at that level with our reserve funds.

Motion passed unanimously by voice vote.

**11. Consideration of hiring Schenck Business Solutions to conduct 2014 financial audit (*actionable item*)**

Mr. Mesbah said he is hoping the 2014 audit will be complete by February or March of 2015 because most of the audit work on 2014 HUD expenses had already been done as part of the 2013 audit.



Motioned by Mr. Kramar; seconded by Ms. Terrell.

Mr. McKeever noted that it is common practice to put auditing services out for bid every three years or so. He said this is not being said in light of the quality of the work being done and the continuity of the current work, but asked when the last time auditing services was put out to bid. Mr. Mesbah said it was five years ago. Mr. McKeever asked that auditing services be put out to bid next year as the prudent way to operate.

Motion passed unanimously by voice vote.

**12. Approval of the November 2014 disbursements and October 2014 Treasurer's Report (*actionable item*)**

Mr. Kramar motioned to approve; seconded by Mr. McKeever. Motion passed unanimously.

**13. Consideration of publishing CARPC 2013 Annual Report (*actionable item*)**

Mr. Golden motioned to defer this for one month; Seconded by Mr. McKeever

Mr. Golden said he thinks this can be improved. It really benefits these reports when Commissioners give input and additional perspective. It should be a collaboration between the Commission and staff.

Mr. Mesbah said action can be taken in January.

Ms. Terrell said it would be helpful to have a deadline.

Mr. Brandon motioned to refer this to the Executive Committee without bringing it back to the Commission and those on the Commission interested in participating should attend that Executive Committee; Seconded by Mr. Golden.

Substitute motion passed unanimously.

**14. Consideration of CARPC 2015 Meeting Calendar (*actionable item*)**

Mr. McKeever motioned approval; seconded by Mr. Kramar. Motion carried.

**15. Update to the 2010 CARPC "Databook"**

Mr. Higgins gave a presentation. The "Databook" is a periodic document issued by CARPC on the update to the census. The Dane County land use inventory was finalized in the spring and it became time to publish the data sources alongside each other to assist area governments and planners. The inclusion of the American Community Survey has been put in place to take the place of the long form Census. It is issued on a more regular interval so there is no longer a 10 year wait interval to get accurate data. The 5 year estimates were first available in 2010. Sun Prairie and Fitchburg have 3 and 5 year intervals of data availabilities. Dane County and Madison have 1, 3, and 5 year intervals. All the remaining cities and towns are on a 5 year basis.

Mr. Golden asked if there is any information on people with disabilities.

Mr. Higgins said, yes, this is included in the American Community Survey.

Mr. Golden asked if it is simply one number or cross tabulations. Does it include physical and mental abilities? The County Board of Supervisors should be interested in this and it would be wonderful to present this to them and suggested this be considered.

Mr. Higgins said there is some cross tabulation in the data.

Mr. Higgins said that he is very concerned this resource is useable and that it be made available digitally. It is also about improving services to our constituents. It is about making data timely and making sure we and our resources are seen as valuable and useable. There is still footwork to be done and the next stage of the project is headed digitally.

Ms. Terrell said she was under the impression that the servers in this building were overloaded with clients and maybe we need to test the strength of it.

Mr. Gaebler said this is hosted offsite. One of the great things about GIS online is that you piggy back off their data housing. It's also free to publish.

16. **Consideration of directing Chair to sign Memorandum of Understanding with Dane County to continue receiving GIS services from Aaron Krebs in 2015 (*actionable item*)**

Motion by Mr. McKeever; seconded by Mr. Hampton. Motion passed unanimously.

17. **Consideration of authorizing Deputy Director to receive and expend funds from WisDOT for CARPC Work Program activities, including pass-through funds for MPO transportation analyses for USA amendments and FUDA planning (*actionable item*)**

Motioned by Mr. Golden; seconded by Mr. Hampton. Motion passed unanimously.

18. **Report of Chair / Discussion – No report**

19. **Report of Deputy Director / Discussion – No report**

20. **Future Agenda Items**

21. **Adjournment**

Mr. Hampton moved to adjourn, Seconded by Mr. Golden. Motion passed unanimously. The meeting was adjourned at 11:00pm.

#### Attachments to Minutes

Addendum A – November 11, 2014 Memo to Ed Minihan from Benjamin Kollenbroich  
Addendum B – Management Communications Document from Schenck CPAs (12-31-13)

Minutes transcribed by Laura Thomas

ADDENDUM A to November 13, 2014 Minutes

APPROXIMATELY 10 NOVEMBER 1970

## Memorandum

Date: November 11, 2014  
To: Edmond Minihan  
From: Benjamin Kollenbroich  
Regarding: Haight Farm Bridge

Distributed by Mr. Minihan at  
11-13-14 Meeting

### Existing Conditions

- Bridge built in 1930, widened in 1950.
- Single-span flat slab structure.
- Existing structure was deficient and functionally obsolete – 49.2 rating in 2012.

### Original Proposal

- Original plans for the bridge were submitted on November 12, 2012.
- Proposed as a single-span reinforced concrete bridge
- DOT reviewed plan and because the estimated 100-year peak flow was fairly low, the DOT requested that pipe and culvert alternatives be further investigated.

### Revised Plans

- The consultant coordinated with the DNR and revised plans were submitted to the DOT.
- Four alternatives to the existing bridge were proposed
  - 1. A concrete single-span flat slab structure
  - 2. Corrugated steel culvert pipes
  - 3. Nested set of precast concrete culvert pipes
  - 4. A three-cell cast-in-place reinforced concrete box culvert

### Approved Plans

- The City went with Alternative 2 because:
  - Beam guard would not be required on either side of the structure which would simplify the issue with the driveway in the northwest quadrant.
  - The structure would be constructed so any future sidewalk work can be accommodated by regrading the fill slopes along the sides of the roadway.
  - At the outlet end of the structure streambed realignment would not be required.
  - Wetland impacts and right of way purchase would be minimized at the outlet end of the structure.
  - The structure is the least costly alternative.
- 100 year flood would bring water in existing and proposed bridge to around 869 feet. Flow is identical at 650 CFS but velocity decreases in the culvert from 8.51 FPS to 6.93 FPS
- Culverts measure at 66 inch diameter for 2 side culverts and 83 high x 28 inch wide culvert in center. According to engineer, 100 year storm will bring water within 1 foot of concrete opening.
- Bridge is less than one mile from the proposed Northeast Neighborhood development.

### Sources

Brett Biver, Bridge Engineer from Snyder-Associates  
Eric Heggelund, DNR  
Najoua Ksontini, DOT

### SUMMARY OF STRUCTURE ALTERNATIVES

A comparison of the hydraulics of the existing structure vs. the proposed structure alternatives is summarized as follows:

	Existing Structure (P-13-0933)	Proposed Structure			
		Clear Span Bridge	Steel Culvert Pipes	Concrete Culvert Pipes	Concrete Box Culvert
		[Alt. 1]	[Alt. 2]	[Alt. 3]	[Alt. 4]
DRAINAGE AREA (SQ. MI.)	5.3	5.3	5.3	5.3	5.3
DESIGN 100-YEAR DISCHARGE (CFS)	650	650	650	650	650
DESIGN 100-YEAR HIGH WATER (FT.)	868.95	868.39	868.86	868.94	868.58
FLOW THROUGH STRUCTURE (CFS)	650	650	650	650	650
VELOCITY THROUGH STRUCT. (FPS)	8.51	6.31	6.93	7.92	6.19
FLOW AREA THROUGH STRUCTURE (SQ. FT.)	76.4	103.00	96.6	83.9	105.0
STRUCTURE OPENING AREA (SQ. FT.)	130.6	187.41	105.6	91.0	126
OVERFLOW FREQUENCY (YRS.)	> 100 YRS.	> 100 YRS.	> 100 YRS.	> 100 YRS.	> 100 YRS.
DESIGN 2-YEAR DISCHARGE (CFS)		220	220	220	220
DESIGN 2-YEAR HIGH WATER (FT.)		866.37	866.11	865.95	865.88









ADDENDUM B to November 13, 2014 Minutes



CAPITAL AREA REGIONAL PLANNING COMMISSION  
1200 N. GARDNER STREET, SUITE 100  
DALLAS, TEXAS 75242

Page 1

1-1

MEMORANDUM FOR THE COMMISSION

DATE: 12/31/13  
SUBJECT: MANAGEMENT COMMUNICATIONS

12/31/13

12/31/13

**MANAGEMENT COMMUNICATIONS**  
**CAPITAL AREA REGIONAL PLANNING COMMISSION**  
**DECEMBER 31, 2013**

**CAPITAL AREA REGIONAL PLANNING COMMISSION**  
December 31, 2013

Page No.

COMMUNICATION TO THE COMMISSION

1 - 3

STATUS OF PRIOR YEAR COMMENTS AND OBSERVATIONS

1. Revise Chart of Accounts to Accumulate Costs by Projects

4

APPENDIX

Management Representation Letter



**Schenck**

CPAs AND SO MUCH MORE.

To the Commission  
Capital Area Regional Planning Commission  
Madison, Wisconsin

We have completed our audit of the basic financial statements of Capital Area Regional Planning Commission (the "Commission") for the year ended December 31, 2013. The Commission's financial statements, including our report thereon dated September 24, 2014 are presented in a separate audit report document. Professional standards require that we provide you with the following information related to our audit.

#### Our Responsibilities Under U.S. Generally Accepted Auditing Standards

As stated in our engagement letter, our responsibility, as described by professional standards, is to plan and perform our audit to obtain reasonable, but not absolute, assurance that the financial statements are free of material misstatement and are fairly presented in accordance with accounting principles generally accepted in the United States of America. Because an audit is designed to provide reasonable, but not absolute, assurance and because we did not perform a detailed examination of all transactions, there is a risk that material errors, fraud, noncompliance with the provisions of laws, regulations, contracts and grants or other illegal acts may exist and not be detected by us.

In planning and performing our audit, we considered the Commission's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We also considered internal control over compliance with requirements that could have a direct and material effect on major federal and state programs in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133 and the *State Single Audit Guidelines*.

As part of obtaining reasonable assurance about whether the Commission's financial statements are free of material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grants, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit. Also in accordance with OMB Circular A-133 and the *State Single Audit Guidelines*, we examined, on a test basis, evidence about the Commission's compliance with the types of compliance requirements described in the "U.S. Office of Management and Budget (OMB) Circular A-133 Compliance Supplement" and the *State Single Audit Guidelines* applicable to each of its major federal and state programs for the purpose of expressing an opinion on the Commission's compliance with those requirements. While our audit provides a reasonable basis for our opinion, it does not provide a legal determination on the Commission's compliance with those requirements.

#### Planned Scope and Timing of the Audit

We performed the audit according to the planned scope and timing previously communicated to you in our correspondence about planning matters.



## Significant Audit Findings

### *Consideration of Internal Control*

In planning and performing our audit of the financial statements of the Commission as of and for the year ended December 31, 2013, in accordance with auditing standards generally accepted in the United States of America, we considered the Commission's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Commission's internal control. Accordingly, we do not express an opinion on the effectiveness of the Commission's internal control. Our report on internal control over financial reporting and on compliance and other matters is presented on pages 13 – 14 of the annual report.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be significant deficiencies or material weaknesses and therefore there can be no assurance that all such deficiencies have been identified. However, as discussed below, we identified certain deficiencies in internal control that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatements on a timely basis. A material weakness is a deficiency or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the financial statements will not be prevented, or detected and corrected on a timely basis. We did not identify any deficiencies in internal control over financial reporting that we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control, that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. We consider the following deficiencies in the Commission's internal control to be significant deficiencies:

Finding 2013-001	Segregation of Duties
Finding 2013-002	Adjustments to the Commission's Financial Records
Finding 2013-003	Financial Reporting for Federal and State Financial Assistance

These findings are described in detail in the schedule of findings and questioned costs on pages 24 - 25 of the report on Federal and State awards.

### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. In accordance with the terms of our engagement letter, we will advise management about the appropriateness of accounting policies and their application. The significant accounting policies used by the Commission are described in Note A to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2013. We noted no significant transactions entered into by the Commission during the year for which there is a lack of authoritative guidance or consensus. To the best of our knowledge, all significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates included in the financial statements were:

Management's estimate of the depreciable life of the capital assets is based upon analysis of the expected useful life of the capital assets. We evaluated the key factors and assumptions and the consistency in these factors and assumptions used to develop the depreciable life in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of accumulated sick leave is based upon analysis of the employees sick leave balance. We evaluated the key factors and assumptions and the consistency in these factors and assumptions used to develop the liability in determining that it is reasonable in relation to the financial statements taken as a whole.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. The financial statements reflect all accounting adjustments proposed during our audit. Copies of the audit adjustments are available from management.

*Disagreements with Management*

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. No such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated September 24, 2014. The management representation letter follows this communication.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Commission's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

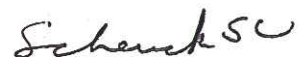
*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to conducting the audit. These discussions occurred in the normal course of our professional relationship and, to the best of our knowledge, our responses were not a condition to our retention.

In addition, during our audit, we noted certain other matters that are presented for your consideration. We will review the status of these comments during our next audit engagement. Our comments and recommendations are intended to improve the internal control or result in other operating efficiencies. We will be pleased to discuss these matters in further detail at your convenience, perform any additional study of these matters, or assist you in implementing the recommendations. Our comments are summarized in the status of prior year comments and observations section of this report.

This communication, which does not affect our report dated September 24, 2014 on the financial statements of the Commission, is intended solely for the information and use of the Commission and management, and is not intended to be and should not be used by anyone other than these specified parties.

Sincerely,



Certified Public Accountants  
Green Bay, Wisconsin  
September 24, 2014

## STATUS OF PRIOR YEAR COMMENTS AND OBSERVATIONS

The following comments and observations have been discussed in prior year management letters. Progress has been made on the recommendations and additional progress is scheduled in the upcoming year. Detailed below is a summary of our prior year comments, along with the current status.

### 1. Revise Chart of Accounts to Accumulate Costs by Projects

In 2012, the Commission made revisions to its chart of accounts to separate most costs of the U.S. Housing and Urban Development (HUD) grant into separate accounts. Other revisions were made to the chart of accounts to more clearly report other revenue and expenses of the Commission.

Salaries for the HUD grant were not recorded in separate accounts, but were maintained separately on grant spreadsheets. Costs for other projects and grants were also continued to be accumulated on separate grant reporting worksheets and not recorded separately in the accounting records.

Although progress was made on the chart of account revisions, we continue to recommend that further revisions be considered to separate out project and grant costs directly on the accounting records without relying on separate independent worksheets.





1957-58 Annual Report of the Government of India

Section 3

1957-58  
1957-58  
1957-58

The Government of India has the honor to acknowledge the receipt of the letter of the Government of West Bengal dated 15.12.57 regarding the request for the release of the Government of India's share in the assets of the Government of West Bengal.

The Government of India has considered the request and is pleased to inform the Government of West Bengal that the Government of India has agreed to release the Government of India's share in the assets of the Government of West Bengal.

### APPENDIX

The Government of India has the honor to acknowledge the receipt of the letter of the Government of West Bengal dated 15.12.57 regarding the request for the release of the Government of India's share in the assets of the Government of West Bengal.

1. Assets of the Government of India

The Government of India has the honor to acknowledge the receipt of the letter of the Government of West Bengal dated 15.12.57 regarding the request for the release of the Government of India's share in the assets of the Government of West Bengal.

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210 Martin Luther King Jr. Blvd. Room 362 Madison, WI 53703 Phone: 608-266-4137 Fax: 608-266-9117 www.CapitalAreaRPC.org info@CapitalAreaRPC.org

September 24, 2014

Schenck SC  
2200 Riverside Drive  
P.O. Box 23819  
Green Bay, WI 54305-3819

This representation letter is provided in connection with your audit of the financial statements of Capital Area Regional Planning Commission (the "Commission"), which comprise the respective financial position of the Commission as of December 31, 2013, and the results of its operations and cash flows for the year then ended, and the related notes to the financial statements for the purpose of expressing an opinion as to whether the financial statements are presented fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items in No. 41 are considered material based on the materiality criteria specified in OMB Circular A-133 and the *State Single Audit Guidelines* issued by the Wisconsin Department of Administration. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of September 24, 2014, the following representations made to you during your audit.

#### **Financial Statements**

1. We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated [Date of Engagement letter], including our responsibility for the preparation and fair presentation of the financial statements and for preparation of the supplementary information in accordance with the applicable criteria.
2. The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the Commission as required by generally accepted accounting principles to be included in the financial reporting entity.
3. In regards to accounting estimates:
  - The measurement processes used by management in determining accounting estimates is appropriate and consistent.
  - The assumptions appropriately reflect management's intent and ability to carry out specific courses of action.
  - The disclosures related to accounting estimates are complete and appropriate.

- No subsequent event has occurred that would require adjustment to the accounting estimates or disclosures included in the financial statements.
- 4. We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.
- 5. We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 6. Significant assumptions we used in making accounting estimates are reasonable.
- 7. Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with the requirements of U.S. GAAP.
- 8. All events subsequent to the date of the financial statements and for which U.S. GAAP requires adjustment or disclosure have been adjusted or disclosed. No events, including instances of noncompliance, have occurred subsequent to the balance sheet date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements or in the schedule of findings and questioned costs.
- 9. We are in agreement with the adjusting journal entries you have proposed, and they have been posted to the Commission's accounts.
- 10. We are not aware of any pending or threatened litigation, claims or assessments or unasserted claims or assessments that are required to be accrued or disclosed in the financial statements, and we have not consulted a lawyer concerning litigation, claims, or assessments.
- 11. Guarantees, whether written or oral, under which the Commission is contingently liable, if any, have been properly recorded or disclosed.

**Information Provided**

- 12. We have provided you with:
  - a. Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
  - b. Additional information that you have requested from us for the purpose of the audit.
  - c. Unrestricted access to persons within the entity from whom you determined it necessary to obtain audit evidence.
  - d. Minutes of the meetings of the Commission or summaries of actions of recent meetings for which minutes have not yet been prepared.
- 13. All material transactions have been recorded in the accounting records and are reflected in the financial statements and the schedules of expenditures of federal awards and state financial assistance.

14. We made an assessment of the risk that the financial statements may be materially misstated as a result of fraud. We have disclosed the results of our assessment as follows:
  - a. We have no knowledge of any fraud or suspected fraud that affects the entity and involves:
    - i. Management,
    - ii. Employees who have significant roles in internal control, or
    - iii. Others where the fraud could have a material effect on the financial statements.
  - b. We have no knowledge of any allegations of fraud or suspected fraud affecting the Commission's financial statements communicated by employees, former employees, regulators, or others.
15. We have disclosed to you all known instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
16. We are not aware of any pending or threatened litigation, claims, or assessments or unasserted claims or assessments that are required to be accrued or disclosed in the financial statements, and we have not consulted a lawyer concerning litigation, claims, or assessments.
17. We have disclosed to you the identity of the Commission's related parties and all the related party relationships and transactions of which we are aware.

**Government - specific**

18. We have made available to you all financial records and related data.
19. There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
20. We have taken timely and appropriate steps to remedy fraud, violations of laws, regulations, contracts, or grant agreements, or abuse that you have reported to us.
21. We have a process to track the status of audit findings and recommendations.
22. We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
23. We have provided our views on reported findings, conclusions, and recommendations, as well as our planned corrective actions, for the report.
24. The Commission has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, deferred inflows/outflows of resources, or equity.
25. We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to us, including tax or debt limits and debt contracts; and we have identified and disclosed to you all laws, regulations and provisions of contracts and grant agreements that we believe have a direct and material effect on the determination of financial statement amounts, or other financial data significant to the audit objectives, including legal and contractual provisions for reporting specific activities in separate funds.

26. There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), provisions of contracts and grant agreements, tax or debt limits, and any related debt covenants whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.
27. As part of your audit, you assisted with preparation of the financial statements and related notes, the schedule of expenditures of federal awards, and the schedule of state financial assistance. We have designated an individual with suitable skill, knowledge, or experience to oversee your services and have assumed all management responsibilities. We have reviewed, approved, and accepted responsibility for those financial statements and related notes, the schedule of expenditures of federal awards, and the schedule of state financial assistance.
28. We understand that as part of your audit, you prepared the adjusting journal entries necessary to convert our cash basis records to the accrual basis of accounting and acknowledge that we have reviewed and approved those entries and accepted responsibility for them.
29. The Commission has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
30. The Commission has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
31. We have followed all applicable laws and regulations in adopting, approving, and amending budgets.
32. The financial statements include all component units as well as joint ventures with an equity interest, and properly disclose all other joint ventures and other related organizations.
33. Components of net position (net investment in capital assets, restricted, and unrestricted) and components of fund balance (nonspendable, restricted, committed, assigned and unassigned) are properly classified and, if applicable, approved.
34. Provisions for uncollectible receivables have been properly identified and recorded.
35. Deposits and investment securities and derivative transactions are properly classified as to risk and are properly disclosed.
36. Capital assets, including infrastructure and intangible assets, are properly capitalized, reported, and, if applicable, depreciated.
37. We have appropriately disclosed the Commission's policy regarding whether to first apply restricted or unrestricted resources when an expense is incurred for purposes for which both restricted and unrestricted net position is available and have determined that net position were properly recognized under the policy.
38. We acknowledge our responsibility for presenting the supporting schedules and statistical data (the supplementary information) in accordance with accounting principles generally accepted in the United States of America, and we believe the supplementary information, including its form and content, is fairly presented in accordance with accounting principles generally accepted in the United States of America. The methods of measurement and presentation of the supplementary information have not changed from those used in the prior period, and we have disclosed to you any significant assumptions or interpretations underlying the measurement and presentation of the supplementary information.

39. Receivables recorded in the financial statements represent valid claims against debtors for transactions arising on or before the balance sheet date and have been appropriately reduced to their estimated net realizable value.
40. Capital assets have been evaluated for impairment as a result of significant and unexpected decline in service utility.
41. With respect to federal and state award programs:
  - a. We are responsible for understanding and complying with and have complied with the requirements of OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations* and the *State Single Audit Guidelines* issued by the Wisconsin Department of Administration, including requirements relating to preparation of the schedule of federal awards and the schedule of state financial assistance.
  - b. We acknowledge our responsibility for presenting the schedule of expenditures of federal awards (SEFA) in accordance with the requirements of OMB Circular A-133 §310.b and the schedule of state financial assistance (SSFA) in accordance with the requirements of the *State Single Audit Guidelines* and we believe the SEFA and SSFA, including their form and content, are fairly presented in accordance with the Circular and the Guidelines. The methods of measurement or presentation of the SEFA and SSFA have not changed from those used in the prior period and we have disclosed to you any significant assumptions and interpretations underlying the measurement and presentation of the SEFA and SSFA.
  - c. If the SEFA and SSFA are not presented with the audited financial statements, we will make the audited financial statements readily available to the intended users of the SEFA and SSFA information no later than the date we issue the SEFA and SSFA and the auditors' report thereon.
  - d. We have identified and disclosed to you all of our government programs and related activities subject to OMB Circular A-133 and the *State Single Audit Guidelines* and included in the SEFA and SSFA made during the audit period for all awards provided by federal and state agencies in the form of grants, federal cost-reimbursement contracts, loans, loan guarantees, property (including donated surplus property), cooperative agreements, interest subsidies, insurance, food commodities, direct appropriations, and other direct assistance.
  - e. We are responsible for understanding and complying with, and have complied with, the requirements of laws, regulations, and the provisions of contracts and grant agreements related to each of our federal and state programs and have identified and disclosed to you the requirements of laws, regulations, and the provisions of contracts and grant agreements that are considered to have a direct and material effect on each major federal and state program.
  - f. We are responsible for establishing and maintaining, and have established and maintained, effective internal control over compliance requirements applicable to federal and state programs that provide reasonable assurance that we are managing our federal and state awards in compliance with laws, regulations, and the provisions of contracts and grant agreements that could have a material effect on our federal and state programs. We believe the internal control system is adequate and is functioning as intended.
  - g. We have made available to you all contracts and grant agreements (including amendments, if any) and any other correspondence with federal and state agencies or pass-through entities relevant to federal and state programs and related activities.
  - h. We have received no requests from a federal or state agency to audit one or more specific programs as a major program.

- i. We have complied with the direct and material compliance requirements, (except for noncompliance disclosed to you) including when applicable, those set forth in the *OMB Circular A-133 Compliance Supplement* and the *State Single Audit Guidelines*, relating to federal and state awards and have identified and disclosed to you all amounts questioned and all known noncompliance with the requirements of federal and state awards.
- j. We have disclosed any communications from grantors and pass-through entities concerning possible noncompliance with the direct and material compliance requirements, including communications received from the end of the period covered by the compliance audit to the date of the auditors' report.
- k. We have disclosed to you the findings received and related corrective actions taken for previous audits, attestation engagements, and internal or external monitoring that directly relate to the objectives of the compliance audit, including findings received and corrective actions taken from the end of the period covered by the compliance audit to the date of the auditors' report.
- l. Amounts claimed or used for matching were determined in accordance with relevant guidelines in *OMB Circular A-87, Cost Principles for State, Local, and Tribal Governments*, and *OMB's Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*.
- m. We have disclosed to you our interpretation of compliance requirements that may have varying interpretations.
- n. We have made available to you all documentation related to compliance with the direct and material compliance requirements, including information related to federal and state program financial reports and claims for advances and reimbursements.
- o. We have disclosed to you the nature of any subsequent events that provide additional evidence about conditions that existed at the end of the reporting period affecting noncompliance during the reporting period.
- p. There are no such known instances of noncompliance with direct and material compliance requirements that occurred subsequent to the period covered by the auditors' report.
- q. No changes have been made in internal control over compliance or other factors that might significantly affect internal control, including any corrective action we have taken regarding significant deficiencies in internal control over compliance (including material weaknesses in internal control over compliance), have occurred subsequent to the date as of which compliance was audited.
- r. Federal and state program financial reports and claims for advances and reimbursements are supported by the books and records from which the financial statements have been prepared.
- s. The copies of federal and state program financial reports provided you are true copies of the reports submitted, or electronically transmitted, to the respective federal and state agency or pass-through entity, as applicable.
- t. We have monitored subrecipients to determine that they have expended pass-through assistance in accordance with applicable laws and regulations and have met the requirements of *OMB Circular A-133* and the *State Single Audit Guidelines*.

- u. We have taken appropriate action, including issuing management decisions, on a timely basis after receipt of subrecipients' auditors' reports that identified noncompliance with laws, regulations, or the provisions of contracts or grant agreements and have ensured that subrecipients have taken the appropriate and timely corrective action on findings.
  - v. We have considered the results of subrecipient audits and have made any necessary adjustments to our books and records.
  - w. We have charged costs to federal and state awards in accordance with applicable cost principles.
  - x. We are responsible for and have accurately prepared the summary schedule of prior audit findings to include all findings required to be included by OMB Circular A-133 and the *State Single Audit Guidelines* and we have provided you with all information on the status of the follow-up on prior audit findings by federal and state awarding agencies and pass-through entities, including all management decisions.
  - y. We are responsible for and have accurately prepared the auditee section of the Data Collection Form as required by OMB Circular A-133.
  - z. We are responsible for preparing and implementing a corrective action plan for each audit finding.
  - aa. We have disclosed to you all contracts or other agreements with service organizations, and we have disclosed to you all communications from the service organizations relating to noncompliance at the service organizations.
42. We have evaluated and classified any subsequent events as recognized or nonrecognized through the date of this letter. No events, including instances of noncompliance, have occurred subsequent to the balance sheet date and through the date of this letter that would require adjustment to or disclosure in the aforementioned financial statements or in the schedule of findings and questioned costs.

Signed:

  
\_\_\_\_\_  
Kamran Mesbah, Deputy Director