

**ID #23263 – Creation of Tax Incremental Finance District #41 (University-Whitney)
Public Comments (August 8, 2011)**

From: Michael Kienitz [mailto:photo4u@michaelkienitz.com]
Sent: Monday, August 08, 2011 9:39 AM
To: Gromacki, Joseph; Murphy, Brad; Parks, Timothy; Tucker, Matthew; Dreckmann, George
Cc: hyde.tinka@epa.gov; Lee Cullen; Kimberlee Wright; Clear, Mark; May, Michael; Linda S - DNR Hanefeld
Subject: TIF Map and details for University Crossing

As per state statute requirements have you indicated that this proposed district lies within a WHPA Zone A area. on your TIF district map?

The designation WHPA Zone A indicates that this is a protected wellhead area (City of Madison Well #14) and that surface pollutants can enter our drinking water within 5 years or less.

Also because of the "but for" stipulation as it relates to TIF implementation do you have indemnity agreements or clauses to protect the city from lawsuits which could arise thru malfeasance and or environmental accidents or other events during demolition and construction by the developer and their assigns? Perhaps more importantly by subscribing to the "but for" stipulation does this exempt the city from initiating legal remedies against those involved in the proposed "University Crossing Development" should contamination arise in our drinking water because the city of Madison has facilitated the activities which caused it with a TIF grant?

Please note and please file the quote from the WDNR liability determination below in information packets or in electronically distributed information given to the mayor's office, Madison Water Utility, City Planning Commission and city council members concerning this proposed TIF site, demolition, construction and permitting processes.

Subject: Technical Assistance, Liability Clarification and Current Site Conditions at The Erdman Campus, University Avenue and North Whitney Way, Madison, Wisconsin
Wisconsin DNR BRRTS Activity Number: 07-13-557280

PG. 4 Under Liability Determination

Although the Phase I and Phase II ESAs appear to be complete and address the recognized environmental conditions at the Property, given the history of use(s) at the Property and uncertainty about actual tank locations, it is possible that contamination may be encountered during the demolition and redevelopment process.

Thanks I Appreciate Your Hard Work and Cooperation

Michael Kienitz
Photography•Digital Imaging•Video Production
www.michaelkienitz.com
5108 Tomahawk Trail
Madison, WI 53705
photo4u@michaelkienitz.com
(608) 231-6184

(608) 332-3200 Cell

From: Nick Berigan [mailto:nberigan@gmail.com]

Sent: Sunday, August 07, 2011 10:52 AM

To: glen-oak-hills-neighborhood@googlegroups.com

Cc: Nan Fey; Murphy, Brad; Eric Sundquist; Clear, Mark; Tom Van Horn; Mary Van Susteren; Bill Whisenant; Shary Bisgard; Herman Felstehausen; Faith Fitzpatrick; Bill Fitzpatrick, Yahara Lakes Association, Board of Directors; Jeff Turner; Mary Beth Dunning; Dan Lauffer; Carol Glaser; Dick Pearson; Helen Hartman; Jeff Schneider; Janet Loewi; David Mladenoff; Monks, Anne; Timothy Parks; Gromacki, Joseph; King, Steve; Rummel, Marsha; Eric Sundquist, Plan Commission, Adult City Resident-1; Judy Olson, Plan Commission, Adult City Resident-2; Mike Basford, Plan Commission, Adult City Resident-4; Soglin, Paul; Schmidt, Chris

Subject: Re: University Crossing DNR report

I was going to reply to all. But now, as I don't know which addressees are members of the commission, I'm worried about which addressees it might be inappropriate to copy and under what circumstances! Somebody help me out!

Nick Berigan

On Sun, Aug 7, 2011 at 10:06 AM, Noel Radomski <ntradoms@education.wisc.edu> wrote:
Nan,

What are the appropriate ways that Madison residents can provide information to elected officials and appointed residents who serve on city committees and commissions? Do we attend the meeting and fill out a form? If we can't attend the meeting, how do we provide you and your fellow commissioners our public comments? The Plan Commission's public web site has the PC names and contact information, including email, which suggests that those of us who can't attend and provide public comments can do so via email. Unfortunately, you were the only Plan Commission member that did not have an email address listed, even though you are the chair. And, as Chair, you are the lead Plan Commissioner who can guarantee that Madison residents' voices are represented, which is critically important in today's political campaign environment. Because Alder Clear has made it abundantly evident that he is supportive of the creation of the TIF district even though multiple neighborhoods have advanced questions to him and city staff, we now have to turn to other elected and appointment public servants to help us shine light on this public process, request that you and others help us get answers from those in the private sphere we have yet to provide the information to the neighborhood associations, neighbors, local business leaders, and city staff. Unfortunately we live in a period where we are witnessing not only the diminution of public engagement, but individuals are being targeted for their service to the common good. It has happened to our faculty and staff at our land grant institution and if we allow it to happen at our most local form of government...

On Monday, August 8, it is my son's golden birthday so I have other priorities that evening. You are a public servant and today, unlike yesterday, email is one medium by which citizens can

contact alders and others who represent the public good. As a member of Glen Oak Hills Neighborhood Association--the neighborhood that has its southern boundary along the proposed University Crossing boundary--I have an obligation to provide public testimony in a way that is fully transparent and which can be shared with others.

I'll be perfectly transparent with you and others on this email: the fact that the city's TIF coordinator provided a whopping 15 minutes of his precious time to meet with neighborhood representatives, and the fact that our elected alder allowed this to happen, speaks volumes about the public process on this project. I attended the meeting and was asked by the TIF Coordinator not to interrupt him so he could stay on script. If that is the extent of the public process prior to advancing the approval process for creating TIF District #41 then I will email you and all others so you have the necessary information needed to make an informed decision.

As a veteran chair of the Plan Commission you have an obligation--nay a responsibility--to listen to our concerns, especially if we are not able to attend a public hearing. My son turns eight, but once, and although I'd love to follow your advice and attend a faux public hearing, I'll have to pass. It is very unfortunate that Joe Gromacki and Alder Clear elected to schedule the public hearing when many residents are on vacation or don't understand why the TIF District #41 public hearing is taking place when very little information is available. For those of us who have witnessed the city's subjective approach to complex development projects, such as the Edgewater Hotel land use and TIF approval processes, we have little confidence in our elected leaders and public servants who serve on the city's committees and commissions. Perhaps our elected official isn't as concerned with the concerns of the district 19 residents, neighborhood associations, and local businesses because of the redistricting which will soon take place. I certainly hope that that is not the case. I, for one, was hopeful that with the election of a new mayor that things like this would not happen again. Because we experienced similar actions by Alder Clear and TIF Coordinator Joe Gromacki, I and others hoped that history would not repeat itself. Or, at the very worst, we were confident that the city's system of checks and balances would prevent questionable public processes and public actions. Time will tell.

Thank you for listening.

Noel

On 8/6/2011 10:59 PM, Nan Fey wrote:

Noel, It's not appropriate for you to be conducting this kind of dialog with members of the Plan Commission. Please save your comments for the public hearing. Nan

On Aug 6, 2011, at 10:48 PM, Noel Radomski wrote:
Eric,

Yes, thank you for the kind response. So, the public hearing is even a week earlier? All the more reason why the public meeting is too soon, don't you agree?

Noel

On 8/6/2011 10:00 PM, Eric Sundquist wrote:
There is no Plan Commission meeting on the 15th. This month we meet the 8th and 29th.

Sent from my iPhone

On Aug 6, 2011, at 5:58 PM, Noel Radomski <ntradoms@education.wisc.edu> wrote:

Alder Clear,

Thank you for the link to the WDNR report.

Now we all need time to review the doc and we need time to seek answers to our questions from the WDNR staff.

Also, as you noted in your email, city staff from multiple city agencies need time to review the WDNR document and they need time to prepare information for neighborhood(s) meetings.

And, finally, neighborhood (or neighborhoods) need time to plan and convene meetings to receive a verbal report from city staff and ask city staff and the developer questions.

Unfortunately, to confound things, we have a serious logistics and public participation issue which you, as Alder, need to address:

during the month of August, given that it is the last month of summer vacation and school begins in early September, it is very difficult for neighborhood associations to plan and convene meetings. And many city staff take vacations, which may slow the creation of information which is needed.

That being said, you are a veteran alder and thus I am more than a little befuddled as to why you would schedule the first public hearing for the creation of TIF District #41 during the Monday, August 15, 6:00 pm, Plan Commission meeting. I would like to give you the benefit of the doubt that you and Joe Gromacki did not purposely schedule the beginning of the TIF District #41 approval process when key information does not exist and neighborhoods have outstanding questions.

And, to make matters worse for a transparent TIF District #41 public approval process, we still have unanswered questions surrounding the proposed GDP-SIP and the well head protection zone, bioretention and infiltration questions, and potential diversion of water into the Spring Harbor area which may or may not impact the Springs.

And, of course, we still have not received the developer's traffic analysis, the city TE's review and recommendations, and we still have not scheduled our neighborhood meeting(s) to meet with and talk with the developer and city staff.

For the third time in one week I respectfully request that you slow down, push the pause button on the TIF #41 Monday, 6:00 pm, Plan Commission public hearing so city staff, city agencies, neighborhood association leaders, neighbors, local businesses, and others can ask meaningful questions at a public hearing. I pasted our exchange of email in case you didn't save the email.

Frankly, an undercurrent that pervades through your actions and your initial refusal to push the pause button on the public hearing is that you now have a track record of pushing the creation of the TID district w/o neighbors, city staff, and your fellow alders from having the appropriate information. Unfortunately, it appears as if you are following the same pattern of behavior.

I, personally, do not yet have a position on the University Crossing GDP-SIP nor the creation of TIF District #41. The information that neighbors and city staff have requested hasn't been collected, analyzed, distributed, and discussed. It's not possible to have a meaningful public hearing. So, I am being fully transparent and I remain opposed to your decision to act against the District 19 residents who currently disagree with the speed by which you are pushing the TIF. Did you not state at Thursday afternoon's meeting that the TIF couldn't get passed until 2012?

I understand that you are on vacation, but given your profession, your University Crossing DNR report email, and your interest in serving the District, I respectfully request that you respond to my questions prior to Sunday, 5:00 pm.

I cc'd the Plan Commission and city staff so that they have adequate notice that District 19 residents have a number of outstanding issues, thus providing them the necessary context for action.

Thank you.

Noel

On 8/6/2011 4:38 PM, Clear, Mark wrote:
Dear Neighbors,

I received new information last night that I wanted to share, given the high degree of interest and concern about environmental conditions on the proposed site.

The DNR has issued a report of their review of environmental testing at the site. I'm out of town for the weekend and can't post this on my city Web site, so I've created a temporary link:

https://docs.google.com/viewer?a=v&pid=explorer&chrome=true&srcid=0B-JEQaaanrkJMzZjMDIxZGEtMmFkZC00ZDZkLWI0ZTctOTM5ZGIxYjc2ZDg0&hl=en_US

I am not an engineer, so I appreciate that the report is written in plain English without too much jargon. I have also asked our experts from City Engineering, Madison/Dane County Public Health and Madison Water Utility to review it.

The report's conclusions seem to me to be consistent with what the developer's engineers have told us at the three neighborhood meetings. If the city experts have additional comments after their review, I will pass those along. In addition, all city agencies are in the process of reviewing the project and will be compiling a comprehensive set of comments and proposed conditions of approval.

Thanks, and enjoy the rest of your weekend.

Mark C.

Alder Mark Clear, 19th District, Madison, WI
district19@cityofmadison.com
[608-695-5709](tel:608-695-5709)
Join my district news e-mail list: join-d19news@lists.markclear.com

----- Original Message -----

Subject: RE: Request: introduce motion to refer (or table?) the Monday, PC, TIFD #41 agenda, University Crossing
Date: Fri, 05 Aug 2011 15:30:54 -0500
From: Clear, Mark <district19@cityofmadison.com>
To: Noel Radomski <ntradoms@education.wisc.edu>
CC: Shary Bisgard <sharybisgard@charter.net>

I am out of town until Monday and have a full day then, so I won't have a chance to meet, but we can talk by phone if you like. Otherwise I will see you at Plan Commission on Monday.

Mark C.

From: Noel Radomski [<mailto:ntradoms@education.wisc.edu>]
Sent: Friday, August 05, 2011 3:26 PM
To: Clear, Mark
Cc: Shary Bisgard
Subject: Re: Request: introduce motion to refer (or table?) the Monday, PC, TIFD #41 agenda, University Crossing

Alder Clear,

Why don't we meet so we can discuss the point that you don't understand.

On the TID question, I respectfully disagree with your position. To be fully transparent with you, I will express my opinion with Plan Commission staff and members, the Mayor's Office, and others.

Noel

On 8/5/2011 2:54 PM, Clear, Mark wrote:

Noel,

Re: University Avenue funding. Sorry, but I do not understand the point you are trying to make.

Re: TID Creation. The issues that you raise are related to the approval of development project, not creation of the TID. The two have different standards and criteria. I see no reason to delay Plan Commission's actions on the TID creation.

Mark C.

From: Noel Radomski [<mailto:ntradoms@education.wisc.edu>]
Sent: Friday, August 05, 2011 11:06 AM
To: Clear, Mark
Cc: Shary Bisgard
Subject: Request: introduce motion to refer (or table?) the Monday, PC, TIFD #41 agenda, University Crossing

Mark,

I knew that. That was the trigger point for my question at yesterday's meeting and for last night's email. Frankly, I wish that yesterday's meeting would not have been so time limited because I was not able to ask all the questions

Why am I asking? I am asking because if a TID is approved; and if the city, county, school district, technical college, state, and federal government budgets continue to get pummeled; and if the Univ Ave reconstruction project was advancing with project items and associated costs picked up by a combination of fed/state/county/city revenues, then we should be transparent about substitution.

Finally, the larger question which I want to put on the table now--to be fully transparent--is that the process and substance of the proposed TID 41 is not only proceeding way too fast, but it is also proceeding way too fast without all of us having the necessary information required to make

an informed decision (e.g., the WDNR Phase II findings which are not yet complete; the developer's traffic model not yet being complete, the concomitant TE review and recommendations, and the neighborhoods' ability to meet with city staff, you, and the developer's rep before it moves to UCD, PC, other city entities, and the CC). At the Monday, 6:00pm, Plan Commission meeting, agenda item "Public hearing and consideration of Tax Incremental Finance District #41," I strongly encourage you to introduce a motion to refer the agenda item (or table, whichever is the more appropriate motion) and speak favorably with an explanation.

Can you please respond to my request as soon as possible?

Noel

On 8/4/2011 11:04 PM, Clear, Mark wrote:

See page six of the proposed project plan for the proposed TID 41—you'll see \$672,000 of eligible costs for the University Avenue reconstruction. This is the portion of the road project that falls within the TID boundary. This doesn't mean the cost would necessarily be shifted to the TID; that's the amount that could be.

Mark C.

From: Noel Radomski [<mailto:ntradoms@education.wisc.edu>]
Sent: Thursday, August 04, 2011 10:45 PM
To: Clear, Mark
Cc: Shary Bisgard
Subject: Re: University Avenue funding

Mark:

Thank you.

The intent behind this aft's Univ Ave reconstruction questions is to understand whether the city has shifted some of the Univ Ave costs to the TIF cost sheet. So, my question is whether the city or other parties shifted costs from what you disclosed and what ultimately got inserted in the TID 41 proposal.

As we heard this afternoon, the neighborhoods are very concerned about future development and its impact on the groundwater, Well #14, Lake Mendota, and the surrounding ecosystem. The developer has elected to pursue a GDP-SIP and all developers understand that that leads to reasonable negotiations with the Alder, city staff, and city committees, and the executive and legislative bodies.

Thank you for convening the meeting with city staff. It was a good first step. However, as we learned this afternoon, the WU, WDNR, and TE have yet to complete their work so it is readily apparent that once all the information is vetted through city staff and the appropriate city agencies then we need to convene at least one more neighborhoods', Alder, and city staff meeting. Shortly after that we can then convene a multi-neighborhood meeting. If the developer elects to short circuit the public process will likely lead citizens' to request a no vote or a referral. I hope that we don't go there.

Noel

On 8/4/2011 10:21 PM, Clear, Mark wrote:

Shary and Noel,

As promised, here's the breakdown on University Avenue funding for next year. It's a little complicated. All numbers are in thousands.

The all-inclusive project cost is \$12,710. The feds consider the tunnel and the stormwater work to be separate local projects, so the cost as seen by the Transportation Planning Board is \$11,534.

Here are the funding sources and the amounts budgeted. At this point only the Fed amount is truly secure; the rest is subject to final budgets for 2012 to be approved later this year, but I'm feeling comfortable about where we are today. As you can see, we even have a bit of headroom.

The Federal share is about 42%.

Let me know if you have questions on any of this.

Funding Sources

FHWA – MPO: \$4,901

Madison GO: \$3,360

Dane Co.: \$2,500

Middleton: \$123

VOSH: \$201

Street assessments: \$241

Light assessments: \$260

Sanitary: \$382

Water: \$535

SRTS: \$350

Madison storm utility: \$826

TOTAL: \$13,679

Gap (headroom): (\$969)