

MINUTES

SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

QUARTERLY MEETING

Walworth County
Judicial Center
1800 CTH NN
Elkhorn, Wisconsin

September 14, 2005

3:00 p.m.

Present:

Excused:

Commissioners:

Thomas H. Buestrin, Chairman
Anthony F. Balestrieri
Adelene Greene
Richard A. Hansen
Kenneth C. Herro
Gregory L. Holden
Michael J. Miklasevich
Kenneth F. Miller
Allen L. Morrison
James E. Moyer
Linda J. Seemeyer
David L. Stroik
Paul G. Vrakas
Gustav W. Wirth, Jr.

William R. Drew, Vice-Chairman
Robert A. Brooks
Leon T. Dreger
Daniel S. Schmidt
Anselmo Villarreal

Absent:

Lee Holloway
Leonard R. Johnson

Staff:

Philip C. Evenson
Loretta Watson

Executive Director
Executive Secretary

Guests:

Ann Lohrmann
Robert J. Voss
Dan Warren

Walworth County Board Chairperson
Former SEWRPC Commissioner
Pabst Farms Representative

ROLL CALL AND WELCOME

Chairman Buestrin called the 210th meeting of the Commission to order at 3:05 p.m. Roll call was taken and a quorum declared present. Mr. Evenson indicated for the record that Commissioners Brooks, Dreger, Drew, Schmidt, and Villarreal had asked to be excused.

WELCOME

Chairman Buestrin recognized Ms. Ann Lohrmann, Walworth County Chairperson, for welcoming remarks. Ms. Lohrmann welcomed the Commission to Walworth County, and in particular to the Walworth County Judicial Center. She indicated that Walworth County began occupation of the new Judicial Center in April 2005, and that the move of the judicial functions to this Center freed up space in other buildings. In particular, the old courthouse building is being remodeled somewhat, including a new County Board Room and reconfigured space for the Administrative and Finance Departments. In addition, the Land Use Management and related functions will be moving into the old courthouse building. She noted also that a new 120-bed nursing home would be constructed. When that construction is completed, Walworth County will demolish the County Annex Building, the old nursing home, and the old Huber jail facilities. Together, the building construction and remodeling efforts will bring about better and more efficient County services and cost savings in building operations. She closed her remarks by inviting the Commissioners to take a brief tour of the Judicial Center after the meeting.

Chairman Buestrin thanked Ms. Lohrmann for her welcoming remarks.

APPROVAL OF MINUTES OF JUNE 15, 2005, MEETING

On a motion by Mr. Wirth, seconded by Mr. Miller, and carried unanimously, the minutes of the Annual Meeting of June 15, 2005, were approved as published.

TREASURER'S REPORT

Mr. Hansen noted that a copy of the report had been provided to all Commissioners for review at the meeting. In commenting on the report, he called attention to the following items:

1. Based upon disbursements through August 7, 2005, it is projected that total disbursements for the year will approximate \$7.6 million. Revenues are projected at \$7.7 million.
2. The total amount of funds held by the Commission in the various operating, liability, and reserve accounts approximates \$3.5 million. The various accounts are identified on the second page of the report.
3. As of August 7, 2005, the Commission had in investments and cash on hand about \$4.8 million. About \$3.4 million are invested in the State of Wisconsin Local Government Pooled Investment Fund. As of August 7, 2005, that fund was yielding 2.89 percent interest. Other funds are held in savings and checking accounts at the Johnson Bank and in certificates of deposits at several banks throughout the Region.

There being no discussion, on a motion by Mr. Miklasevich, seconded by Mr. Morrison, and carried unanimously, the Treasurer's Report for the period ending August 7, 2005, was approved (copy attached to Official Minutes).

STANDING COMMITTEE REPORTS

Planning and Research Committee

Noting that the Planning and Research Committee had met once since the Commission Annual meeting on June 15, 2005, Committee Vice-Chairman Stroik reported the following items:

On September 1, 2005, the Committee took the following actions:

1. Reviewed and acted to recommend to the Commission for adoption an amendment to the regional water quality management plan pertaining to the sanitary sewer service area for the City of Waukesha. That amendment, scheduled for action later in this meeting, was requested by the City and involves the "attachment" of a sewage holding tank to the Waukesha treatment plant. The site of the development lies within an area recommended for urban use in the forthcoming new regional land use plan. "Attachment" in this case means that there will be a formal contract between the landowner in the Town of Vernon and the City of Waukesha requiring that sewage generated at the development site be trucked to the Waukesha facility for treatment.
2. Reviewed and acted to recommend to the Commission for adoption an amendment to the regional water quality management plan pertaining to the sanitary sewer service area for the City of Oconomowoc. That amendment, scheduled for action later in this meeting, was requested by the City and involves three changes to the Oconomowoc service area, including: 1) the addition of the Union Institute recreational camp located in the Village of Lac La Belle; 2) the addition of about 445 acres intended for new development on the west side of Oconomowoc; and 3) the modification of a portion of a man-made element of primary environmental corridor on the Pabst Farms development site in the Town of Summit. The corridor modification, which involves the filling of a portion of an old borrow pit, will not only create a better development site but will result in a strengthened and enhanced environmental corridor.
3. Reviewed and approved for publication Chapter 6 of SEWRPC Planning Report No. 48, **A Regional Land Use Plan for Southeastern Wisconsin: 2035**. This chapter comprehensively describes the new recommended regional land use plan. Following completion of this report and public hearings, the new plan should be ready for formal Commission adoption early next year.

There being no questions or comments, on a motion by Mr. Vrakas, seconded by Ms. Seemeyer, and carried unanimously, the Planning and Research Committee report was approved.

Administrative Committee

Noting that the Administrative Committee had met three times since the Commission Annual meeting on June 15, 2005, Committee Chairman Vrakas reported the following items:

On June 30, 2005, the Committee took the following actions:

1. Reviewed and approved the Commission disbursements for two financial reporting periods: Year 2005 Nos. 11 and 12, extending over the period May 15, 2005, to June 12, 2005.
2. Reviewed the Statement of Projected Revenues and Expenditures for the financial reporting period ending June 12, 2005. With nearly 50 percent of the year completed, the projections indicated a year end surplus of about \$104,000, not counting a \$200,000 set-aside for the Rockwood Drive Building Bond Redemption Fund.

3. Accepted a proposal by the West Bend Mutual Insurance Company to provide comprehensive business insurance coverage to the Commission for the year beginning on July 28, 2005. The renewal quotation of \$44,450 represented a decline of about \$4,100 from the current premium, that decline largely attributable to more favorable experience in the workers compensation claim area.
4. Received and approved a report that an Ad Hoc Committee, consisting of Commissioners Buestrin, Schmidt, and Vrakas and the Executive Director, had proposed annual salary adjustments in the amount of 3 percent of base salaries. Such adjustments were made on the basis of merit.
5. Received a report that the Commission Chairman and Executive Director are in negotiations with Medical Associates, Inc., for an extension of the lease in the Rockwood Drive building for at least two additional years. The present lease expires at the end of March 2006. The negotiations include the possibility of expanding the leased space by nearly 1,000 square feet.

On July 28, 2005, the Committee took the following actions:

1. Reviewed and approved the Commission disbursements for two financial reporting periods: Year 2005 Nos. 13 and 14, extending over the period June 13, 2005, to July 10, 2005.
2. Reviewed the Statement of Projected Revenues and Expenditures for the financial reporting period ending July 10, 2005. With nearly 55 percent of the year completed, the projections indicated a year end surplus of about \$145,000.
3. Received a staff report on the Commission's historical decision-making regarding obtaining directors and officers liability insurance. The Committee directed the staff to work with the Commission's legal counsel and insurance agent in identifying potential areas of exposure and the costs that would be attendant to acquiring additional insurance directed at such areas of exposure, assuming that the Commission would self-insure for a substantial amount.

On August 25, 2005, the Committee took the following actions:

1. Reviewed and approved the Commission disbursements for two financial reporting periods: Year 2005 Nos. 15 and 16, extending over the period July 11, 2005, to August 7, 2005.
2. Reviewed the Statement of Projected Revenues and Expenditures for the financial reporting period ending August 7, 2005. With about 60 percent of the year completed, the projections indicated a year end surplus of about \$110,000.
3. Received a staff report on a review by the Commission's legal counsel of liability insurance issues. That review indicated that it might be well to consider obtaining professional liability insurance in the event that the Wisconsin Supreme Court would determine to extend an existing exception of governmental immunity to professionals other than the medical profession. Moreover, the review indicated that the Commission should be sure that the present insurance coverage is adequate with respect to officers and directors liability insofar as potential claims relative to employment discrimination, unfair employment practices, and wrongful termination are concerned. The Committee directed that these matters be reviewed with the Commission's insurance agent and a follow-up report presented.
4. Approved a staff recommendation that a schedule be followed relative to the deposit of funds with the trustee for the bonds that were used to acquire the Rockwood Drive building. The objective of the schedule is to ensure that the trustee has on hand on or about March 1, 2011, sufficient funds at

that time to redeem all remaining bonds without penalty. The deposit schedule calls for transferring to the trustee \$1 million by the end of 2005, \$300,000 by the end of 2006, \$300,000 by the end of 2007, and \$200,000 by mid-2008. Assuming that the deposits will on average earn four percent interest, there should be sufficient funds in the account to achieve the objective of having a debt-free Commission office building by the middle of 2011.

There being no questions or comments, on a motion by Ms. Greene, seconded by Mr. Stroik, and carried unanimously, the Administrative Committee report was approved.

Executive Committee

Noting that the Executive Committee had met three times since the Commission Quarterly meeting on June 15, 2005, Chairman Buestrin reported the following items:

On June 30, 2005, the Committee took the following actions:

1. Received and approved a report from the Administrative Committee relative to its meeting that day.
2. Reviewed and approved eight contracts for planning and related work. The details pertaining to these contracts are set forth in a table included with the agenda for this meeting.
3. Recommended approval of ten applications for Federal grants or loans as being in conformance or not in conflict with the regional plans prepared by the Commission. The details pertaining to those applications are set forth in a table included with the agenda for this meeting.
4. Approved a set of amendments to the 2005-2007 Regional Transportation Improvement Program involving nine bridge projects to be undertaken by Washington County and one project to be sponsored by Lutheran Social Services of Wisconsin which would use Federal funds to provide loans to low-income families in Waukesha County for the purpose of purchasing automobiles that will ensure transportation to jobs.
5. Authorized the expansion of the Advisory Committee on Regional Water Supply Planning to include a representative of the Metropolitan Builders Association of Milwaukee.
6. Authorized the Commission staff to enter into negotiations with Ruckert & Mielke, Inc., relative to providing selected engineering services in connection with the preparation of the forthcoming regional water supply system plan. The Ruckert & Mielke firm was ranked first by a three-member panel following a solicitation for requests for qualifications for consulting engineering services.
7. Received a report that work continues toward the advancement of the proposed Kenosha-Racine-Milwaukee Commuter Rail Line (K-R-M). The Commission, acting as agent for the Counties and Cities of Kenosha, Milwaukee, and Racine, and the Wisconsin Department of Transportation, reviewed proposals submitted by teams of consultants relative to advanced planning and environmental work. In addition, the Committee received a report that an effort by the chief elected officials in the corridor, working with the Greater Milwaukee Committee, led to the inclusion in the State Biennial Budget Bill of the creation of a three-county Regional Transit Authority.
8. Received a report that Commission staff is assisting a consortium of local governments led by the City of Milwaukee in structuring a WiMax telecommunications demonstration project for inclusion in a forthcoming Federal grant application. The proposed project would serve public safety agencies over a large portion of the Region.

9. Received a report that the Commission staff has been asked to develop a computerized database that will display in public safety vehicles, telecommunications connectivity information attendant to all public safety agencies within the Region. This request was made by the Southeastern Wisconsin Communications Resource/Support Group, a coalition of law enforcement agencies, including the Wisconsin State Patrol.
10. Received a report that the Smart Growth planning partnerships in Ozaukee and Washington Counties are moving forward following an announcement by the Wisconsin Secretary of Administration that all grant awards made prior to actions by the State Legislature to end the State Grant Program and the Smart Growth Planning Law will be honored.
11. Received a report that Ozaukee and Walworth Counties had taken initial committee actions to approve the Joint County Surveyor Initiative. That Initiative also is expected to be reflected in forthcoming County Executive budgets for Kenosha, Milwaukee, Racine, and Waukesha Counties. It was the consensus of the Committee that the Initiative would move forward even if all seven Counties did not agree to take part.

On July 28, 2005, the Committee took the following actions:

1. Received and approved a report from the Administrative Committee relative to its meeting that day.
2. Reviewed and approved one contract for planning and related work. The details pertaining to that contract are set forth in a table included with the agenda for this meeting.
3. Recommended approval of fifteen applications for Federal grants or loans as being in conformance or not in conflict with the regional plans prepared by the Commission. The details pertaining to those applications are set forth in a table included with the agenda for this meeting.
4. Received a report that the intergovernmental Steering Committee for the K-R-M commuter rail study had selected the consultant team of Earth Tech, Inc. and HNTB to accomplish advanced planning and environmental work for that study and that contract negotiations were underway. The Greater Milwaukee Committee, working with the County Executives and Mayors of Kenosha, Milwaukee, and Racine, was successful in the State Budget Bill in getting a three-county Regional Transit Authority established. This three-county Regional Transit Authority could be the operating agency for the envisioned commuter rail service. Start-up funding for the Authority will come from an additional fee on car rental activity in the three Counties.
5. Received a report that Governor Doyle had completed his veto activity relative to the new State Budget Bill which ensured the survival of the Smart Growth planning requirements and the State funding attendant to meeting such requirements. Efforts will be underway this Fall to work with proposed county-based planning partnerships in Kenosha, Racine, and Walworth Counties to file for State grant funds that will be awarded in the spring of 2006. Plan development work continues for the Ozaukee and Washington County partnerships, with assistance being given to the Waukesha County partnership as the County staff leads that effort.
6. Received a report that final arrangements attendant to the Commission's 2005 orthophotography project are nearing completion. The Commission applied for and received a Federal grant from the U.S. Geological Survey in the amount of \$200,000 to help support the project. In addition, the Southeastern District Office of the Wisconsin Department of Transportation is committing \$200,000 as the State's contribution to the project. The project funding goal is now nearly met and production is underway toward a year-end completion deadline.

7. Received a report that Commission staff had come to the conclusion that the construction of a bioretention stormwater treatment facility cannot be readily accommodated when the proposed parking lot expansion project at the Commission's Rockwood Drive building gets underway. The expansion project will require the acquisition of a 60 foot strip of land from Ridgeview LLC, the Commission's neighbor to the north, in order to meet the City of Pewaukee's "green space" development requirements. Following this report, the Commission staff was authorized to proceed with completing the design of the project and pursuing acquisition of the required land.
8. Authorized the Commission staff to inform the Milwaukee Metropolitan Sewerage District that the Commission would positively respond to a request by that District to undertake a study of a potential regional biosolids disposal facility. The Commission will follow its normal process of creating an advisory committee to consider this matter and produce a study prospectus that would address the need for the study and the scope of work, timetable, and budget for the study.

On August 25, 2005, the Committee took the following actions:

1. Received and approved a report from the Administrative Committee relative to its meeting that day.
2. Reviewed and approved three contracts for planning and related work. The details pertaining to those contracts are set forth in a table included with the agenda for this meeting.
3. Recommended approval of seven applications for Federal grants or loans as being in conformance or not in conflict with the regional plans prepared by the Commission. The details pertaining to those applications are set forth in a table included with the agenda for this meeting.
4. Authorized the Commission staff to file a grant application for \$3.2 million in Federal Transit Administration funds to support the K-R-M commuter rail study. In so doing, the Commission is acting as the agent for the Counties and Cities of Kenosha, Milwaukee, and Racine. The necessary matching funds will come in part from the Wisconsin Department of Transportation and in part from the six local governments concerned.
5. Received a report that negotiations are underway with both Ruckert & Mielke, Inc., and State and Federal hydrogeologists relative to contracts necessary to carry out certain technical work for the regional water supply study. The Advisory Committee on Regional Water Supply Planning will hold its initial meeting later this month.
6. Received a report that discussions with a representative of Interstate Partners, the owners of land lying immediately north of the Commission's Rockwood Drive building, have led to an agreement whereby Interstate Partners will convey at no cost to the Commission, a 60 foot strip of land so that the Commission will be able to continue to meet the City of Pewaukee's green-space requirements as the parking lot expansion and renovation project gets underway. In addition, the Commission has engaged Ruckert & Mielke, Inc., to prepare the construction drawings and specifications for the parking lot expansion project, with the same engineer who designed the original parking lot being assigned to work with the Commission staff in this matter. It is hoped that the project can get underway yet this year.
7. Received a communication from the Secretary of the Wisconsin Department of Administration noting that actions taken by the Governor effectively continue the comprehensive plan, or Smart Growth, law and the State funding set aside to help county and local governments implement that law. The Commission is now engaged with Kenosha, Racine, and Walworth Counties to develop grant

applications to the Wisconsin Department of Administration for submittal this Fall.

8. Received a report that the Commission staff was working with Walworth County officials on conducting a ceremony to commemorate the completion of a remonumentation program attendant to the more than 2,500 U.S. Public Land Survey section and quarter section corners in the County. The ceremony is scheduled for September 21, 2005.
9. Received a report that the Commission staff will be presenting at two sessions of the Wisconsin Counties Association Conference being held in Milwaukee next week. The two sessions involve water supply planning and multi-county consortiums to cost effectively provide services.

There being no discussion, on a motion by Mr. Miller seconded by Mr. Stroik, and carried unanimously, the Executive Committee report was approved.

ADOPTION OF AMENDMENTS TO REGIONAL WATER QUALITY MANAGEMENT PLAN

City of Waukesha Sewer Service Area (Resolution No. 2005-15)

Chairman Buestrin asked the Commission to consider Resolution No. 2005-15, noting that the Resolution would revise the City of Waukesha sewer service area. He asked Mr. Stroik to present the resolution.

Mr. Stroik noted that all Commissioners had received for review prior to the meeting a copy of Resolution No. 2005-15 documenting the proposed amendment. He recalled that the proposed amendment had been reviewed by the Planning and Research Committee at its meeting held on September 1, 2005, and was recommended for adoption by the Committee. Mr. Evenson noted for the record that the Common Council for the City of Waukesha had approved the sewer service area plan amendment on September 6, 2005.

There being no questions or comments, on a motion by Mr. Stroik, seconded by Mr. Miklasevich, and carried unanimously, Resolution No. 2005-15 was approved (copy of Resolution No. 2005-15) attached to Official Minutes).

City of Oconomowoc Sewer Service Area Plan (Resolution No. 2005-16)

Chairman Buestrin asked the Commission to consider Resolution No. 2005-16, noting that the Resolution would revise the City of Oconomowoc sewer service area plan. He asked Mr. Stroik to present the resolution.

Mr. Stroik noted that all Commissioners had received for review prior to the meeting a copy of Resolution No. 2005-16, together with a copy of a SEWRPC staff memorandum dated September 2005 documenting the proposed amendment. He recalled that the proposed amendment had been reviewed by the Planning and Research Committee at its meeting held on September 1, 2005, and was recommended for adoption by the Committee.

A brief discussion then ensued relative to the details of that portion of the amendment pertaining to a modification of a primary environmental corridor on the Pabst Farms development site. In response to an inquiry by Mr. Herro, Mr. Evenson confirmed that there will be no net loss of corridor area attendant to the proposal by the Pabst Farms developers to fill a portion of an old borrow pit and vegetate other lands in the vicinity of that pit. Mr. Evenson indicated that the developers of the Pabst Farms site have made a good faith commitment to proceed with the vegetation efforts and that the Commission staff would monitor those efforts over time. If necessary, he said, the Commission could withhold review comments to State regulatory agencies on future sewer extension proposals on the Pabst Farms site should the developers fail to fully comply with the vegetation plan.

Following that discussion, on a motion by Mr. Stroik, seconded by Herro, and carried unanimously, Resolution No. 2005-16 was approved (copy of Resolution No. 2005-16 attached to Official Minutes).

STAFF WORK IN PROGRESS REPORT

Chairman Buestrin asked Mr. Evenson to review with the Commissioners the status of the Commission's overall work program. Mr. Evenson distributed two tables relative to the Commission's work program. The first table identifies those major Commission work projects which have been completed since the last comprehensive work program report presented to the Commission at the Quarterly meeting on September 15, 2004. The second table identifies all of the major projects included in the Commission's work program as of September 1, 2005 (copies of tables attached to Official Minutes). Mr. Evenson then reviewed with the Commissioners the entries in both tables.

In response to an inquiry by Chairman Buestrin, Mr. Evenson indicated that work on an updated Milwaukee County park and open space plan should be completed next year and that the Commission staff would look to Milwaukee County staff for guidance as to the extent to which the plan will deal with deferred maintenance activities attendant to existing park infrastructure. In response to an inquiry by Mr. Balestrieri, Mr. Evenson indicated that Commission efforts involving high school teachers related to providing land use and environmental data and materials, including maps and aerial photographs. In response to an inquiry by Mr. Vrakas relative to the development of a detailed watershed plan for Pebble Creek in the Waukesha area, Mr. Evenson indicated that he did not believe that there was any development moratoria placed on the watershed pending the completion of the management plan. In response to an inquiry by Mr. Balestrieri relative to stream restoration activities, Mr. Evenson indicated that the Sugar Creek project referred to in the report involved relocation of a Sugar Creek tributary parallel to STH 12/67 just north of Schmidt Road. The creek relocation became necessary because of a project to modify the intersection of STH 12/67 with Schmidt Road and Potters Road. Referring to the recent initiative sponsored by the Greater Milwaukee Committee and the Milwaukee Metropolitan Association of Commerce relative to promoting the entire seven-county region for purposes of economic development, Mr. Hansen indicated that he had attended a meeting earlier in the year with other bank executives from the Region and that Milwaukee Mayor Tom Barrett had spoke to the group and was very supportive of regional efforts, although the Mayor did not refer to the Regional Planning Commission. Mr. Evenson commented that the Commission will work with all parties concerned to support in whatever way possible the regional economic development effort. Chairman Buestrin noted that he and Commission executive staff will be meeting shortly with the President of the Greater Milwaukee Committee to discuss this matter and to help identify how the Commission can assist this largely private-sector-based effort. Mr. Evenson noted that the Commission staff was indeed pleased to see that Commissioners Brooks and Miller were members of the newly created Council that will oversee the regional economic development program.

At the completion of the presentation and ensuing discussion, it was moved by Mr. Morrison, seconded by Mr. Wirth, and carried unanimously to accept the report.

CORRESPONDENCE/ANNOUNCEMENTS

Mr. Evenson invited the Commissioners to attend the Walworth County monumentation ceremony scheduled for September 21, 2005, at 11:00 a.m., noting that he would email to each Commissioner directions to the event. Mr. Evenson further reported that a letter commending the work efforts of Commission staff member Rick Kania from the Administrator for the Village of Hartland had been received and had been placed on each Commissioner's desk today (copy attached to Official Minutes).

CONFIRMATION OF DATE, TIME, AND PLACE OF DECEMBER QUARTERLY MEETING

Chairman Buestrin reminded everyone that the next meeting of the Commission has been scheduled for 3:00 p.m. on Wednesday, December 7, 2005, in Milwaukee County.

ADJOURNMENT

There being no further business to come before the Commission, on a motion by Mr. Moyer, seconded by Mr. Miklasevich, and carried unanimously, the meeting adjourned at 4:25 p.m.

Respectfully submitted,

Philip C. Evenson
Deputy Secretary

PCE/lw
Attachments
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