

## MINUTES

### SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION

#### QUARTERLY MEETING

September 10, 2008

3:00 p.m.

Kenosha County Board Room  
Kenosha County Administration Building  
1010 56<sup>th</sup> Street  
Kenosha, Wisconsin

Present:

Excused:

Commissioners:

Thomas H. Buestrin, Chairman  
Richard A. Hansen, Vice-Chairman  
James T. Dwyer  
Anita M. Faraone  
Adelene Greene  
Gregory L. Holden  
William E. Johnson  
John M. Jung  
Mary A. Kacmarcik  
Robert W. Pitts  
Nancy Russell  
Daniel S. Schmidt  
David L. Stroik  
Paul G. Vrakas  
John F. Weishan, Jr. (Representing  
Lee Holloway)  
Gustav W. Wirth, Jr.

William R. Drew  
Susan S. Greenfield  
Michael J. Miklasevich  
George A. Torres  
Anselmo Villarreal

Absent:

Staff:

Philip C. Evenson  
Robert P. Biebel  
Loretta Watson

Executive Director  
Special Projects Engineer  
Executive Secretary

Guests:

Jim Kreuser  
Joseph Clark  
Daymin Hallmon  
George E. Melcher  
Jennie Tunkieicz  
James Rowen

Kenosha County Executive  
Chairman, Kenosha County Board  
Kenosha County Board Supervisor  
Director, Kenosha County Planning and Development  
Kenosha County Executive Office

## **ROLL CALL AND SEATING OF NEW COMMISSIONER**

Chairman Buestrin called the 222<sup>nd</sup> 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 Drew, Greenfield, Miklasevich, Torres, and Villarreal had asked to be excused.

Chairman Buestrin thanked Commissioners Faraone and Pitts for making the arrangements for the meeting. The Kenosha County Board Room, he said, is always a nice setting for Commission meetings.

Chairman Buestrin acknowledged the presence of John F. Weishan, Jr., who has been asked by Milwaukee County Commissioner Lee Holloway to represent him at Commission meetings in a nonvoting capacity until Governor Doyle responds to Mr. Holloway's request that Mr. Weishan succeed him on the Commission.

Chairman Buestrin reported that Walworth County had made a new appointment to the Commission and that the seating of the new Commissioner was in order at this meeting. He then recognized Commissioner Gregory L. Holden and asked him to introduce the newest Walworth County Commissioner.

Mr. Holden said that it was his pleasure to introduce Nancy Russell to the Commission as the newest Commissioner representing Walworth County. He noted that Ms. Russell comes to the Commission with a great deal of experience in both local and county government. A resident of the City of Lake Geneva for over 30 years, Ms. Russell has served on the Plan Commission and City Council of Lake Geneva as well as the Board of the Geneva Lake Environmental Agency. He noted that Ms. Russell was elected to the Walworth County Board in 2002 and currently chairs that board. Prior to being elected chair, she chaired the Walworth County Finance Committee and the Emergency Planning Committee. She presently serves on the Executive, Public Works, Highway Safety, and Criminal Justice Committees and is Vice-Chair of the County's Smart Growth Technical Advisory Committee. Mr. Holden said that he had the pleasure of serving with Ms. Russell on the Walworth County Zoning Agency and indicated that she will be a great addition to the Commission, following in the footsteps of Commissioner Allen Morrison who recently retired.

It was then moved by Mr. Holden, seconded by Mr. Wirth, and carried unanimously to formally seat Ms. Russell, representing Walworth County. On behalf of the entire Commission, Mr. Buestrin welcomed Ms. Russell. Ms. Russell commented that she was honored to be part of the Regional Planning Commission, having long admired the Commission's work. Noting that the Walworth County Board went through a mandated and controversial downsizing over the past year, she commented that with the Commission's help, the redistricting process went flawlessly, and that such work contributed to the respect of the Commission throughout Walworth County.

## **WELCOMING REMARKS**

Chairman Buestrin then called on Commissioner Faraone to introduce Kenosha County officials present at the meeting. Ms. Faraone said it was her pleasure to welcome the Commission members to Kenosha County and thanked Commissioners Pitts and Greene for their help in making the meeting arrangements. She then indicated that three Kenosha County officials wished to briefly address the Commission, Joe Clark who is the Kenosha County Board Chair, George Melcher who is the Kenosha County Director of Planning and Development, and Jim Kreuser who is the recently elected Kenosha County Executive.

Mr. Clark then welcomed the Commissioners to Kenosha County, thanking them for the work that they do on the Commission in addition to their regular activities. He noted that he represents the Village of Pleasant Prairie on the County Board, and that the Village has been very proactive in planning for new development in very challenging economic times. He commented that the County and local planning activities are greatly aided by the infrastructure and environmental planning work accomplished by the Regional Planning Commission.

Mr. Melcher also welcomed the Commissioners to Kenosha County, expressing his thanks for all of the help that the Commission and its staff have given his department in Kenosha County for over 30 years. Taking note of the impending retirement of Mr. Evenson at the end of the year, Mr. Melcher commented that Mr. Evenson was his first boss in planning when he worked for the Commission prior to moving to Kenosha County. He thanked Mr. Evenson for the training and mentoring that he had been given. He also recalled all of the contributions that current Commissioner Robert Pitts's father made when he served on the Commission as the County Board representative many years ago.

County Executive Jim Kreuser then welcomed the Commissioners to Kenosha County, noting that the work of the Commission is important to Kenosha County, the southeastern region, and the entire State. Noting that he has been the Kenosha County Executive for only 10 weeks, he indicated that he had spent seven years working in the Kenosha County Executive's office prior to serving 15 years in the State Legislature. From his perspective, the Commission has served Kenosha County and the Region well all that time. He then indicated that during Mr. Evenson's tenure as Executive Director, he has kept the high standards of the Commission and personally thanked him for his work. He then presented to Mr. Evenson an Executive Proclamation declaring September 10, 2008, as Phil Evenson Day in the County of Kenosha. Mr. Evenson expressed his gratitude to Mr. Kreuser.

Chairman Buestrin thanked Messrs. Clark, Melcher, and Kreuser for their remarks and for the kind words extended about the leadership of Phil Evenson.

#### **APPROVAL OF MINUTES OF JUNE 18, 2008, MEETING**

On a motion by Ms. Faraone, seconded by Ms. Greene, and carried unanimously, the minutes of the annual Meeting of June 18, 2008, were approved as published.

#### **TREASURER'S REPORT**

Noting that Commissioner Drew was unable to attend the meeting, Chairman Buestrin asked Mr. Evenson to present the Treasurer's report. Mr. Evenson 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 17, 2008, it is projected that total disbursements for the year will approximate nearly \$6.81 million. Revenues are projected at about \$6.88 million, exclusive of interest income and miscellaneous revenues.
2. The total amount of funds held by the Commission in the various operating, liability, and reserve accounts approximates \$3.13 million. The various accounts are identified on the second page of the report.
3. As of August 17, 2008, the Commission had in investments and cash on hand about \$2.95 million. About \$2.33 million are invested in the State of Wisconsin Local Government

Pooled Investment Fund. As of August 17, 2008, that fund was yielding 2.23 percent interest. Other funds are held in savings and checking accounts and in certificates of deposits at several banks.

After a brief discussion, on a motion by Ms. Faraone, seconded by Ms. Kacmarcik, and carried unanimously, the Treasurer's Report for the period ending August 17, 2008, was approved (copy attached to Official Minutes).

## **STANDING COMMITTEE REPORTS**

### **Planning and Research Committee**

Noting that the Planning and Research Committee met once since the Commission Annual meeting on June 18, 2008, Committee Chairman Schmidt reported the following items:

On August 19, 2008, the Committee took the following actions:

1. Reviewed a proposal by the City of New Berlin that its sewer service area be amended to accommodate industrial development sites in that City. While the proposal was found to be consistent with the adopted regional land use plan, the New Berlin Common Council determined to lay the matter over for decision in early fall. Accordingly, the Planning and Research Committee declined to move this matter forward to the full Commission and will consider the proposal again at its next meeting.
2. Reviewed and approved for publication Chapter 8 of SEWRPC Planning Report No. 52, **A Regional Water Supply Plan Update for Southeastern Wisconsin**. This chapter sets forth information relative to the four major alternative plans considered in the water supply study. The full Commission will receive a briefing on the status of the water supply study later in this meeting.

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

### **Administrative Committee**

Noting that the Administrative Committee had met two times since the Commission Annual meeting on June 18, 2008, Committee Chairman Stroik reported the following items:

On June 26, 2008, the Committee took the following actions:

1. Reviewed and approved the Commission disbursements for two financial reporting periods: Year 2008 Nos. 11 and 12, extending over the period May 12, 2008, to June 8, 2008.
2. Reviewed the Statement of Projected Revenues and Expenditures for the financial reporting period ending June 8, 2008. With about 45 percent of the year completed, the projections indicated a year end surplus of about \$175,000.
3. Received and approved a report from an Ad Hoc Committee, consisting of Commissioners Buestrin, Drew, Schmidt, Wirth, and the Executive Director, relative to annual salary adjustments in the amount of about 3.5 per cent of base salaries. Such adjustments were made on the basis of merit.

On July 24, 2008, the Committee took the following actions:

1. Reviewed and approved the Commission disbursements for two financial reporting periods: Year

2008 Nos. 13 and 14, extending over the period June 9, 2008, to July 6, 2008.

2. Reviewed the Statement of Projected Revenues and Expenditures for the financial reporting period ending July 6, 2008. With slightly more than one-half of the year completed, the projections indicated a year end surplus of about \$177,000.
3. Approved the renewal of the Commission's business insurance program at a total premium cost of \$43,777, about six percent less than the premium cost this year. Most coverage is being underwritten by the West Bend Insurance Company, with employment practices liability insurance being underwritten by the Westchester Insurance Company.
4. Approved the purchase of replacement color copier equipment for use in the Commission's reproduction shop. The Commission will acquire two Konica-Minolta units at a total cost of about \$78,000. It is expected that reduced operating costs will result in recouping that capital investment over a period of 12 to 15 months.

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

#### **Executive Committee**

Noting that the Executive Committee had met two times since the Commission Annual meeting on June 18, 2008, Chairman Buestrin reported the following items:

On June 26, 2008, 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. Authorized the Commission staff to file a grant application with the U.S. Environmental Protection Agency for the purpose of preparing a Riparian Buffer Guide. This guide would be a useful tool to help landowners and local officials implement riparian buffer recommendations made in the recently adopted update to the regional water quality management plan.
4. Authorized the Commission staff to enter into arrangements with the Wisconsin Department of Transportation and the National Weather Service to update rainfall frequency and intensity data for Wisconsin. These data are critical to the hydrologic analyses undertaken by the Commission in its flood control and watershed planning work. This authorization included the commitment of \$5,000 annually over the three-year period 2008-2010. By cooperating with other agencies in this matter, the Commission will no longer have to conduct its own rainfall studies.
5. Received a report from the Executive Director relative to remarks that he made during participation on a panel discussion convened by the Waukesha County Action Network. The focus of the Executive Director's remarks was that the motor fuel tax is beginning to seriously erode given changes taking place toward significantly increased motor fuel efficiency in vehicles. This will require, he said, a transformation of the State's transportation funding system, moving toward a true user fee unrelated to vehicle fuel efficiency. He suggested to the group that one way to begin that transformation was to consider user fees on the entire Wisconsin freeway system, employing advanced tolling technologies now used in Illinois.

6. Received a report that the Commission's Deputy Director is working with the Urban Economic Development Association of Wisconsin in that organization's effort to promote implementation of the Commission's regional transit plan recommendations. These efforts included participation by the Deputy Director on a panel at a recent conference sponsored by that Association.

On July 24, 2008, 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. Received a report on the progress of the regional water supply study. In expanded form, that report will be presented to the entire Commission later in this meeting.
4. Received a report that the Commission's Executive staff continues to meet with individual members of the Milwaukee Common Council and the Milwaukee County Board relative to a proposal by a Milwaukee-based blogger that Milwaukee County withdraw from the Commission. All Commissioners have been provided with copies of briefing documents being used by staff in those meetings.
5. Received a communication from Commissioner Lee Holloway indicating, as noted earlier in this meeting, that it is his desire that Milwaukee County Board Supervisor John F. Weishan, Jr., attend Commission meetings in his stead until such time as Governor Jim Doyle acts on Mr. Holloway's request that he be replaced by Mr. Weishan.

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

#### **STAFF REPORT ON THE REGIONAL WATER SUPPLY STUDY -- UPDATE, FINDINGS TO DATE, NEXT STEPS**

Mr. Evenson reported that work on the regional water quality study has progressed to the point where it is expected that the Commission's Advisory Committee guiding this study will select a preliminary recommended plan at its meeting later this month. At that point, a program of public review and comment would begin and continue throughout the fall. Depending upon reaction to the preliminary recommended plan, this would position the Advisory Committee to make final recommendations early next year and for technical work on the study to be effectively completed during the first calendar quarter of 2009. He then asked Mr. Robert P. Biebel, who is the principal Commission staff member responsible for the water supply study, to brief the Commission on the study findings and conclusions to date, with emphasis upon the alternative plans that have been completed and evaluated and a report on the likely content of the preliminary recommended plan. Mr. Biebel then delivered a presentation during which he briefed the Commissioners on the study progress and took questions and comments from Commissioners. A copy of Mr. Biebel's presentation slides is attached as Exhibit A.

Following Mr. Biebel's presentation, general questions and comments were made and addressed relating to the material presented:

1. In response to an inquiry by Mr. Dwyer, Mr. Biebel indicated that the extended timeline of the water supply study may be attributed primarily to the additional work requested by Advisory Committee members. For example, the Advisory Committee asked for a detailed evaluation of

alternative ways in which Lake Michigan water could be provided to Waukesha County communities beyond the provision of such water by the Milwaukee Water Works. Advisory Committee requests for additional work, he noted, also extended that part of the study dealing with the development of expectations that would be attendant to implementation of various water conservation measures. Mr. Evenson indicated that extended study timelines are not uncommon in complex intergovernmental planning work. This is especially true when a planning agency like the Commission is undertaking a regional study for the first time, as is the case with the current water supply study.

2. In response to an inquiry by Mr. Stroik, Mr. Biebel indicated that the material below the sandstone layer that comprises the deep aquifer is granite. Granite, he said, is too dense and does not constitute a good aquifer. In response to a follow up question by Mr. Stroik, Mr. Biebel indicated that the Maquoketa shale layer does extend under Lake Michigan and that very little exchange of water would occur between the deep aquifer and Lake Michigan.
3. In response to an additional inquiry by Mr. Stroik, Mr. Biebel indicated that for all practical purposes, Alternative Plan 1 should be considered a “do nothing” plan in the sense that the assumptions underlying Alternative 1 represent a consensus of what likely would happen in the absence of the consideration of regional alternatives to those assumptions.

At the conclusion of Mr. Biebel’s presentation, Chairman Buestrin thanked Mr. Biebel for the fine work that is being done and indicated that the Commission looked forward to receiving the final recommendations of its Advisory Committee as early next year as possible.

## **CORRESPONDENCE/ANNOUNCEMENTS**

Mr. Evenson reported that he had placed at each Commissioner’s desk a copy of a civil rights/environmental justice complaint filed by the Good Jobs and Livable Neighborhoods Coalition, based in Milwaukee, with the U.S. Department of Transportation and its agencies, the Federal Transit Administration and the Federal Highway Administration. He also indicated that he had placed at each Commissioner’s desk a statement that he released as the Commission’s Executive Director regarding that complaint (copies of materials attached to Official Minutes).

Mr. Evenson then reviewed the essence of the complaint, noting that it focused on the approval by the Commission in February of 2008 of an amendment to the Regional Transportation Improvement Program dealing with a project being undertaken by the Wisconsin Department of Transportation to reconstruct the interchange of Waukesha County CTH P with IH 94 in the Town of Summit. That project has long been identified in the Commission’s adopted regional transportation system plan, and would convert an existing half-directional interchange to a full-directional interchange. In so doing, the project would eliminate what is at times a confusing situation for the motoring public. Given local land use decisions in the adjacent area, the reconstructed interchange would also facilitate access to the Pabst Farms development project, including a shopping center proposed as a part of that project. In essence, Mr. Evenson continued, the complaint notes that this action was taken by the Commission with full knowledge that implementation of the Commission’s public transit recommendations that would more effectively connect Milwaukee with the greater Oconomowoc area were being ignored, thus depriving persons of color and transit-dependent persons of a “fair share of the benefits of the transportation plan.” The complaint alleges that the Commission’s action is discriminatory in nature with respect to persons of color and in violation of Federal law. The complaint asks that this matter be investigated by the U.S. Department of Transportation and that, among other things, the Commission be ordered to discontinue its practice of deferring to local governments seeking highway improvements and, with respect to the subject CTH P interchange, develop a method that would require transit expansions and improvements benefiting

minorities and transit-dependent communities to be implemented in Waukesha County by the time that the subject interchange construction occurs.

Mr. Evenson then noted that in his statement regarding the complaint, he believes that the complaint is without legal merit and noted that the Commission has no authority to approve, fund, and implement transportation projects nor require others to do so. In essence, he said, the transportation improvement program document, unlike the regional transportation plan, is not a policy-making document. Rather, it is an administrative document that documents for the Federal agencies concerned the policy decisions made by other bodies of elected officials with respect to the timing of implementation of transportation projects. The Commission certainly does agree with the objective of increasing transit services to better serve the greater Milwaukee area and especially the transit-dependent individuals and families in Milwaukee, providing connections to emerging job locations. The matter is in the hands of officials of the U.S. Department of Transportation in Washington, he said, and he would keep the Commissioners fully advised of further developments as the process of addressing the complaint proceeds.

Mr. Evenson then noted that he had placed on each Commissioner's desk a copy of an email recently received complimenting the professional work being done by Dr. Thomas M. Slawski of the Commission staff. Dr. Slawski is an aquatic ecologist and works in the Commission's Environmental Planning Division (copy attached to Official Minutes).

Mr. Buestrin then notified the Commissioners that at the December Quarterly meeting, the Commission will elect its officers for the two-year period 2009-2010. In accordance with the Commission bylaws, he then announced his appointments to the 2008 Nominating Committee. They are:

Daniel S. Schmidt, Washington County, Chairman  
Adelene Greene, Kenosha County  
George A. Torres, Milwaukee County  
William E. Johnson, Ozaukee County  
Michael J. Miklasevich, Racine County  
Gregory L. Holden, Walworth County  
Paul G. Vrakas, Waukesha County

The Nominating Committee is responsible for submitting its recommendations to the full Commission at the December meeting.

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

Chairman Buestrin indicated that the next meeting of the Commission will be scheduled for 3:00 p.m. on Wednesday, December 3, 2008, in Milwaukee County. Mr. Evenson indicated that he would work with Commissioners to select an appropriate meeting place.

#### **ADJOURNMENT**

There being no further business to come before the Commission, on a motion by Mr. Schmidt, seconded by Mr. Stroik, and carried unanimously, the meeting adjourned at 4:45 p.m.

Respectfully submitted,

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(Quarterly Meeting)  
September 10, 2008

Philip C. Evenson  
Deputy Secretary

PCE/lw  
Attachments  
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