MINUTES
SOUTHEASTERN WISCONSIN REGIONAL PLANNING COMMISSION
ANNUAL COMMISSION MEETING

Wednesday, June 15, 2016 3:00 p.m.

Washington County Fair Park and Conference Center
Fair Park Pavilion Building, Room 114
3000 Pleasant Valley Road
West Bend, WI 53095

Present:      Excused:

Commissioners:

David L. Stroik, Chairman                José M. Delgado
Charles L. Colman, Vice-Chairman         Brian R. Dranzik
Thomas H. Buestrin                       Peggy L. Shumway
Michael A. Crowley                       Michael J. Skalitzky
Mike Dawson
William R. Drew
James T. Dwyer
Adelene Greene
Robert W. Pitts
Jennifer K. Rothstein
Nancy Russell
Jeffrey D. Schleif
Daniel S. Schmidt
Linda J. Seemeyer
Gustav W. Wirth, Jr.

Staff:

Kenneth R. Yunker Executive Director
Michael G. Hahn Deputy Director
Elizabeth A. Larsen Assistant Director - Administration
Debra A. D’Amico Executive Secretary

Guests:

Theodore Lipscomb, Sr. Milwaukee County Board Chairman
Joshua Schoemann Washington County Administrator
ROLL CALL

Chairman Stroik called the 254th meeting of the Commission to order at 3:02 p.m. Roll call was taken and a quorum was declared present. Chairman Stroik indicated for the record that Commissioners Delgado, Dranzik, Shumway, and Skalitzky had asked to be excused.

WELCOMING REMARKS BY WASHINGTON COUNTY ADMINISTRATOR JOSHUA Schoemann

Chairman Stroik introduced Washington County Administrator, Mr. Joshua Schoemann. Mr. Schoemann welcomed the Commissioners to Washington County and to the Washington County Fair Park Pavilion. In his remarks he noted that the Washington County Courthouse is being renamed the Herbert J. Tennies Government Center in honor of former County Board Chairman Herbert J. Tennies’ 50 years of service to Washington County. Mr. Schoemann invited the Commissioners to see the new Fair Park Silver Lining Amphitheater after the meeting. He noted construction costs for the Amphitheater were donated by West Bend Mutual Insurance Company, and that Zimmerman Architectural Studios, Inc. is the architect for the facility.

INTRODUCTION AND SEATING OF NEW COMMISSIONER (WASHINGTON COUNTY)

Chairman Stroik introduced Mr. Jeffrey D. Schleif, a new Commissioner representing Washington County. He stated that as a Washington County Board Supervisor, Mr. Schleif serves on the Washington County Board Public Works Committee, the Radio Communications Systems Committee, and is a Washington County Board Representative on the Eastern Wisconsin Counties Railroad Consortium. He also has been a member of the Village of Germantown Board of Zoning Appeals for over 20 years. Chairman Stroik noted that Mr. Schleif recently retired after 41 years at FM Global and holds a Bachelor of Science of Civil Engineering degree from the University of Wisconsin-Platteville.

Mr. Schmidt made a motion, seconded by Ms. Greene, and carried unanimously, to formally seat Mr. Jeffrey D. Schleif as a Commissioner representing Washington County on the Southeastern Wisconsin Regional Planning Commission. Mr. Schleif then stated he is honored that Washington County Board Chairman Gundrum nominated him to serve on the Commission and noted his appreciation for the opportunity to work with the Commission.

APPROVAL OF MINUTES OF THE MARCH 16, 2016, QUARTERLY COMMISSION MEETING

On a motion by Mr. Wirth, seconded by Mr. Colman, and carried unanimously, the minutes of the March 16, 2016, Quarterly Commission Meeting were approved as published.

TREASURER’S REPORT

Chairman Stroik asked Mr. Drew to present the Treasurer’s Report. He noted that a copy of the Treasurer’s Report had been provided to all Commissioners for review prior to the meeting. In commenting on the report, he called attention to the following items:

1. Based upon disbursements through May 1, 2016, it is projected that total disbursements for the year will approximate $8.03 million. Revenues are projected at about $8.32 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 $4.3 million. The various accounts are identified on the second page of the report.

3. As of May 1, 2016, the Commission had in investments and cash on hand approximately $6.4 million. A total of $5.3 million are invested in the State of Wisconsin Local Government Pooled Investment Fund. As of May 1, 2016, that fund was yielding 0.41 percent interest. Other funds are held in savings, checking, and money market accounts at several banks.

There being no questions or discussion, on a motion by Ms. Greene, seconded by Mr. Schleif, and carried unanimously, the Treasurer’s Report for the period ending May 1, 2016, was approved (copy of the Treasurer’s Report is attached to the Official Minutes).

STANDING COMMITTEE REPORTS

Planning and Research Committee
Chairman Stroik asked Mr. Schmidt to present the Planning and Research Committee report. Mr. Schmidt stated that the Planning and Research Committee has met once since the Commission’s Quarterly meeting on March 16, 2016.

Reviewed and approved for publication the following materials:

- Spring 2016 Summary Booklet of Preliminary Recommended Plan
- Preliminary Draft of Volume II, Chapter IV, “Preliminary Recommended Year 2050 Regional Land Use and Transportation System Plan”
- Preliminary Draft of Appendix H, "Complete Results of the Preliminary Recommended Plan Evaluation"
- Preliminary Draft of Appendix I, “Evaluation of Potential Benefits and Impacts of Reconstructing with Widening or Not Widening IH 43 between Howard Avenue and Silver Spring Drive”

There being no questions or discussion, on a motion by Ms. Russell, seconded by Mr. Colman, and carried unanimously, the Planning and Research Committee Report was approved (copy of the Planning and Research Committee Report is attached to the Official Minutes).

Administrative Committee Report
Chairman Stroik asked Ms. Greene to present the Administrative Committee report. Ms. Greene noted that the report had been provided to all Commissioners prior to the meeting. She also noted that the Administrative Committee had met two times since the Quarterly Commission Meeting on March 16, 2016.

On April 21, 2016, the Committee took the following actions:

1. Reviewed and approved disbursements for four financial periods: Year 2016 Nos. 5, 6, 7, and 8 extending over the period February 8 to April 3, 2016.

3. Reviewed, considered, and approved a proposal to purchase iPads for Commission meeting materials.

4. Reviewed interest rates of Commission bank accounts.

On May 19, 2016, the Committee took the following actions:

1. Reviewed and approved disbursements for two financial periods: Year 2016 Nos. 9 and 10; extending over the period April 4 to May 1, 2016.

2. Reviewed and approved the Statement of Projected Revenues and Expenditures for the period ending May 1, 2016.

3. Reviewed and approved a series of budget assumptions for calendar year 2017, which provide for no increase in the regional local tax levy for the eleventh straight year. A budget based upon those assumptions will be considered later in the meeting today.

4. Reviewed and accepted a report on staff compensation. Staff merit and promotion increments totaled $150,300, or 3.65 percent.

There being no further discussion, on a motion by Mr. Drew, seconded by Mr. Schmidt, and carried unanimously, the Administrative Committee Report was approved (copy of the Administrative Committee Report is attached to the Official Minutes).

Executive Committee Report
Chairman Stroik, as Chairman of the Executive Committee, provided the Executive Committee report. He stated that the Executive Committee had met once since the Quarterly Commission Meeting on March 16, 2016.

On April 21, 2016, 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 nine contracts for planning work. The details of these contracts are set forth in a table attached to this report.

3. Received a report outlining key planning efforts being undertaken by the Commission in 2016.

4. Reviewed and approved an amendment to the 2015-2018 Regional Transportation Improvement Program (TIP). This amendment to the 2015-2018 TIP was necessary to advance 2 projects, both of which were approved by the Commission Advisory Committee for Transportation System Planning and Programming for the Milwaukee Urbanized Area.

There being no questions or discussion, on a motion by Ms. Russell, seconded by Ms. Seemeyer, and carried unanimously, the Executive Committee Report was approved (copy of the Executive Committee Report is attached to the Official Minutes).
CONSIDERATION OF ADOPTION OF BUDGET FOR CALENDAR YEAR 2017

Chairman Stroik noted that copies of the proposed Commission budget for calendar year 2017 had been provided to all Commissioners for review prior to the meeting, and asked the Commission to consider adoption of that budget. He then asked Mr. Yunker to briefly present the proposed budget.

Mr. Yunker led the Commissioners through the proposed budget document noting that the assumptions underlying the budget had been reviewed and approved by the Commission Administrative Committee at its May monthly meeting. He then called attention to the following major items:

1. Federal grants for transportation planning will remain the same as the 2016 budgeted funding.

2. State revenues for transportation planning, water quality planning, and coastal management planning are expected not to change compared to the 2016 budget.

3. A series of assumptions led to a $59,584 increase in service agreement revenues. Increases are expected in park and land use planning, community assistance planning, and water quality planning. Wetland delineation revenues have increased to reflect additional work requested by the Wisconsin Department of Transportation (WISDOT). Decreases in service agreement revenue are expected in economic development planning and stormwater management planning. Transportation modeling revenues have decreased to reflect the modeling work assigned by the WISDOT, and re-monumentation revenues have also declined to reflect WISDOT requests for the replacement of U.S. Public Land Survey corner markers.

4. No change is anticipated in the rental revenue. The tenant, ProHealth Care, Inc., had exercised their final option to extend their building lease for two years ending on March 31, 2017. ProHealth Care had requested a new “Agreement Extending Lease Term” for one year, to March 31, 2018, with two one year options to extend. The signed “Agreement Extending Lease Term” has just been received by Commission staff.

5. It is proposed that the budget amount for regional tax levy support remain at its present level of $2.37 million, resulting in a tax rate of 0.00137 percent (substantially below the statutory cap of 0.003 percent). Owing to the relative differences in the change in equalized value between 2014 and 2015 among the seven counties, some counties will see an increase in regional planning tax levy support, while other counties will see a decrease. Kenosha, Ozaukee, Racine, Washington, and Waukesha Counties will see increases of between 0.529 and 2.813 percent, and Milwaukee and Walworth Counties will see decreases of 1.356 and 1.161 percent respectively. The proposed 2017 budget will be the eleventh consecutive year of a no increase in regional tax levy.

6. On an overall basis, the potential year 2017 operating budget would call for a total revenue and expenditure level of about $7.58 million, an increase of $59,584, or 0.79 percent increase from the adopted 2016 budget.

7. Key expenditure assumptions proposed to be made in preparing the budget include an authorized full time staffing level of 68 positions, a decrease of 1 position from the 2016 staffing level; staff salary adjustments of 3 percent with salary increases distributed on the basis of merit, a 10 percent increase in health insurance costs, and no change in the Commission’s share of the retirement costs of 6.6 percent.
In response to an inquiry by Ms. Rothstein, Mr. Yunker stated service agreement revenues are a result of anticipated contracts or letter agreements entered into between the Commission and State and/or local governments for specific work efforts.

In response to an inquiry by Mr. Pitts concerning staff salary adjustments, Chairman Stroik stated that an ad hoc Salary Adjustment Committee meets annually to review a staff report on salary adjustments prepared by the Commission’s Executive Director. The salary adjustments are then reviewed and approved by the Administrative Committee.

In response to an inquiry by Mr. Buestrin, Ms. Larsen stated that the building usage line item on Table 3 of the budget document represents the annual depreciation amount for the building. Mr. Yunker noted that the Commission is able to charge all funding sources, including Federal and State revenues, for the annual depreciation amount.

In response to an inquiry by Mr. Schleif, Mr. Yunker stated that the difference in the part-time/overtime pay line item between the 2016 Budget and the 2017 Budget is due to an expected reduction of part-time staff in the 2017 Budget.

There being no further questions or comments, on a motion by Mr. Dwyer, and seconded by Mr. Schmidt, the Commission’s proposed budget for calendar year 2017 was unanimously approved (copy of the 2017 operating budget is attached to the Official Minutes).

CONSIDERATION OF AMENDMENT TO THE 2015-2018 REGIONAL TRANSPORTATION IMPROVEMENT PROGRAM

Chairman Stroik asked the Commission to consider adoption of an amendment to the 2015-2018 Regional Transportation Improvement Program (TIP) and Resolution No. 2016-06, noting that these materials were provided prior to this meeting. He then called upon Mr. Yunker to present the projects and the resolution.

Mr. Yunker explained that the TIP is a listing of transportation projects proposed to use Federal funds by local and State governments for public transit, and, arterial streets and highways throughout the Region. He said that the TIP is reviewed by Commission staff to ensure consistency of the TIP with the regional transportation plan. He added that the TIP, and its amendments are reviewed and approved by Commission Advisory Committees on Transportation Improvement Programming (TIP committees) which include representatives from local governments, the Wisconsin Department of Transportation, the United States Department of Transportation, the Wisconsin Department of Natural Resources, and the U.S. Environmental Protection Agency.

Mr. Yunker called attention to the amended and new projects listed on Exhibit A of the Resolution. He noted that City of Milwaukee representatives had requested that the Milwaukee area TIP Committee meet to discuss Project No. 546, Final Engineering for Reconstruction of IH 94 with Additional Traffic Lanes from 70th Street to 16th Street in the City of Milwaukee, and Project No. 551, Preliminary Planning and Design for a Bus Rapid Transit Route between Downtown Milwaukee and the Regional Medical Center in Milwaukee County. Mr. Yunker recommended that the Commission approve all projects except Nos. 546 and 551, noting that the remaining projects were unanimously approved by the TIP Committees. He stated that the TIP Committee would meet later in June to discuss projects 546 and 551, and Commission approval could be considered in July. He stated that Commission approval on that time schedule would not delay either project.
A short discussion ensued regarding postponing the approval of TIP Project Nos. 546 and 551.

There being no further questions or comments, on a motion by Mr. Wirth to approve the TIP projects for the Milwaukee Transportation Management Area—Milwaukee County, with the exception of Project Nos. 546 and 551, seconded by Mr. Colman, and carried by a vote of 15 ayes and 0 nays, Resolution No. 2016-06 was unanimously approved (copy of Resolution No. 2016-06 is attached to the Official Minutes).

PRESENTATION ON LAKE MICHIGAN COASTAL ISSUES

Chairman Stroik asked Mr. Hahn to provide a presentation entitled, “Lake Michigan Coastal Issues”. (A copy of Mr. Hahn’s PowerPoint presentation is attached to the Official Minutes.)

During the presentation, the following comments were made and questions were answered.

As Mr. Hahn described and explained a diagram showing the net basin supply system on slide #2, Chairman Stroik inquired about where or how sewage treatment plant effluent fits into the flowchart. Mr. Hahn stated that sewage treatment plant effluent would be included in the “runoff from the land” component in that treated wastewater is discharged to streams and rivers, or directly to one of the Great Lakes, where it combines with runoff from the land surface.

On Slide 8, Mr. Hahn explained that in 2013, at a time of very low water levels in Lakes Michigan and Huron, the International Joint Commission (Canada and United States) recommended a study be prepared of structural options to raise Lake levels to at least partially offset reductions in levels attributable to historical dredging in the St. Clair River at the Lake Huron outlet near Detroit, Michigan. He noted that the Lakes were now in a period of relatively high levels and the study was recently put on hold. In response to an inquiry by Mr. Colman relative to whether a spillway might be a solution to address the effects of historical dredging, Mr. Hahn explained that could be one option, but establishing operational rules would be very complicated because of the need to address the many competing Lake uses, some of which favor higher levels and some of which favor lower levels.

When Mr. Hahn began discussing Slides 13 and 14, titled, “Past Studies and Plans” which include recommendations for stabilizing bluff slopes and wave and ice erosion protection, Commissioner Rothstein confirmed with Mr. Hahn that the clay bluffs overlooking Lake Michigan in Ozaukee County extend into Illinois and continue north to Door County.

There was some discussion as Mr. Hahn presented the last four slides of his presentation, related to coastal setbacks for development. The question was raised whether recent changes to the Wisconsin Statutes establishing uniform statewide requirements for county shoreland zoning ordinances and restricting the ability of local units of government to adopt more stringent requirements than established under State standards would preclude local adoption of more stringent coastal bluff setbacks. Mr. Hahn said that it was possible that more stringent setbacks along the Great Lakes coast in Wisconsin could be applied based on a provision in the law that allows local governments to adopt shoreland zoning requirements addressing situations where the State has not established a standard.

[Secretary’s Note: Subsequent to the Commission meeting, Mr. Hahn discussed this matter with Andy Holschbach, the Director of the Ozaukee County Planning, Resources, and Land Management Department who essentially confirmed the interpretation of the new State law that Mr. Hahn postulated at the Commission meeting. Mr. Holschbach indicated that Ozaukee County’s
interpretation of the State law would allow the County to establish, or in this case retain, in their zoning ordinance setback requirements for the protection of properties located along the Lake Michigan coast, because the Wisconsin Administrative Code establishing standards for shoreline protection does not set forth standards for coastal bluff setbacks.]

Mr. Buestrin commented that establishing bluff lines is difficult as bluffs tend to meander. He also commented on a specific case where application of a coastal setback to a property located between Lake Michigan and a road aligned generally parallel to the bluff resulted in a property being unbuildable, because application of setbacks, from the road and bluff would not provide enough land available to construct a structure on the property. He also noted that in 1958 and 1962 the bluff along Lake Michigan receded significantly, causing many existing houses to be torn down.

Ms. Seemeyer commented that this information regarding coastal issues is helpful because it is preventative. She then asked what the public can do to protect their property when it is threatened by receding bluffs as is the case now during the ongoing period of high Lake levels. Mr. Hahn responded that measures to protect the bluff, including structural measures located near the base of the bluff would be applicable in cases where there is an imminent threat to structures built along the top of the bluff. He suggested that adjacent homeowners living along the shore could achieve some economy of scale and coordination of effort by collectively hiring a contractor to install structural protection at the base of the bluff. He added, however, that such structural protection would be expensive.

Mr. Pitts stated that Kenosha News recently posted articles regarding Lake Michigan water levels and showed photos of homes that were about to fall in the Lake. Lake levels are expected to rise a couple of inches more, causing very serious concern. Chairman Stroik said that the engineering issues of this problem are certainly solvable, but, unfortunately, in some instances it can cost two to three times the value of the property that is in trouble.

**UPDATE ON CITY OF WAUKESHA APPLICATION FOR A LAKE MICHIGAN WATER SUPPLY**

Chairman Stroik asked Mr. Hahn to give an update on the City of Waukesha’s application for a Lake Michigan water supply.

Mr. Hahn briefly summarized events leading up to the City of Waukesha’s application for a Lake Michigan water supply. He stated that in 2010 the Commission completed its regional water supply plan, which included a recommendation that the City of Waukesha address its problem with radium contamination of the public water supply obtained from wells developed in the deep sandstone aquifer by seeking a Lake Michigan water supply, subject to the requirements of the Great Lakes-St. Lawrence River Basin Water Resources Compact and subject to further study of the environmental and legal aspects of such a diversion of water from Lake Michigan. He noted that the City of Waukesha is located just outside the Great Lakes Basin, but as it is in a county that straddles the subcontinental divide between the Great Lakes and Mississippi River Basins (Waukesha County), it was able to request a diversion of Lake Michigan water under the Compact. Mr. Hahn said that, at public hearings in August 2015 and February 2016, the Commission staff provided both oral and written comments on Waukesha’s application and the Wisconsin Department of Natural Resources (WDNR) Technical Review and Environmental Impact Statement for the proposed diversion.
Mr. Hahn noted that, under the Great Lakes Compact, the City’s request was subject to the review of the eight Great Lakes states and two Great Lakes Canadian provinces (the “Regional Body”). He noted that from April 21 through May 18, 2016, the Regional Body met four times to review the City’s request and a WDNR Declaration of Findings, which described the request and assessed it within the context of the Compact. He noted that the Regional Body revised the Declaration of Findings to impose additional conditions on the City, including 1) reducing the size of the “Recommended Diversion Area” to the current corporate limits of the City of Waukesha, any Town of Waukesha islands currently surrounded by the City, and areas outside the City that currently receive their water supply from the City and 2) reducing the average annual day water supply demand to serve the City from 10.1 million gallons per day (MGD) to 8.2 MGD, corresponding to the reduced service area. He noted that the governors of the eight Great Lakes States, or their designated representatives, were scheduled to meet in Chicago on June 21, 2016, to vote on the City’s application, and that the Compact requires a unanimous vote for approval.

[Secretary’s Note: The City of Waukesha’s application for a Lake Michigan water supply was unanimously approved by the eight Great Lakes states on June 21, 2016.]

In response to an inquiry by Mr. Dwyer relative to how or why it was established that a unanimous vote would be necessary for approval, Mr. Hahn stated such a stringent requirement may have been necessary to obtain approval of the Compact by each of the Great Lakes states, and that a goal of the compact was to achieve general consensus of the states when deciding issues related to the Compact. A brief discussion ensued during which Ms. Seemeyer inquired about what would happen if the City’s application were not approved. Mr. Yunker stated that Federal law would need to be changed which would be a long process.

Mr. Colman noted that the Chicago area directs from Lake Michigan about 2 billion gallons of water a day. Mr. Hahn stated that the Chicago diversion was established under a 100-year old U.S. Supreme Court decision. Mr. Yunker noted that the 2.1 billion gallons per day diverted from Lake Michigan was originally intended to reverse the flow of the Chicago River and dilute the City of Chicago’s wastewater, which was discharged to the Mississippi River Basin. He noted that much of that Lake Michigan diversion amount is now used as a municipal water supply for the communities in northeastern Illinois, and that there is no requirement to return the diverted flow (as treated wastewater) to the Lake, as would be required under the Great Lakes Compact.

There was then some discussion of issue related to the Compact requirement that water diverted from the Great Lakes be returned to the Lakes. Mr. Hahn said that the City of Waukesha proposal to return its treated wastewater to the Root River was generally viewed as a positive by the Regional Council members because it would augment relatively low existing baseflow and improve habitat. Mr. Yunker added that there are communities on the Fox River in Southeastern Wisconsin and Illinois that want that treated wastewater for flow and habitat. Ms. Rothstein inquired about possible effects on the Root River of radium in return flow from the City of Waukesha. Mr. Hahn replied that the deep aquifer groundwater that currently supplies the City is the source of the radium in the water supply, and that source would be eliminated if the City were to obtain a Lake Michigan supply. Thus, radium would not be a problem related to a possible future return flow to the Root River.

In response to Mr. Colman’s inquiry relative to the progress on the Commission’s regional chloride study, Mr. Yunker stated that Commission staff is seeking funding for the study.
UPDATE ON VISION 2050 REGIONAL LAND USE AND TRANSPORTATION PLAN

Chairman Stroik asked Mr. Yunker to update the Commissioners on the VISION 2050 Regional Land Use and Transportation Plan.

Mr. Yunker stated that the Commission’s Advisory Committees on Regional Transportation System Planning and Regional Land Use Planning reviewed public comments on the Preliminary Recommended Plan from the fifth and final round of VISION 2050 public outreach at their June 8, 2016, meeting. He stated that Commission staff proposed a number of minor changes to the Preliminary Recommended Plan to be included in the Final Recommended Plan based on public comments. The Advisory Committees reviewed and unanimously approved these changes at the June 8, 2016, meeting. Mr. Yunker noted that the Final Recommended Plan will be presented to the Advisory Committees for a reaffirmation of their approval at a joint meeting of the Advisory Committees scheduled for June 29, 2016. It is expected that the Final Recommended Plan will be ready for consideration at a special Commission meeting, which will take the place of the Commission’s Administrative and Executive Committees on July 28, 2016, at 1:30 p.m. Mr. Yunker added that notification of this meeting will be mailed to Commission members at the end of June or early July.

CORRESPONDENCE/ANNOUNCEMENTS

Chairman Stroik asked Mr. Yunker if there was any correspondence or if there were any other announcements.

Mr. Yunker said there was no correspondence. Chairman Stroik then announced that the Administrative and Executive Committee meetings scheduled for Thursday, June 23, 2016, are both cancelled.

CONFIRMATION OF DATE, TIME, AND PLACE OF UPCOMING COMMISSION MEETINGS

Chairman Stroik indicated that the next Commission meeting will be on July 28, 2016, at 1:30 p.m. at the Commission offices to consider adoption of the VISION 2050 Regional Land Use and Transportation Plan. He added the next scheduled Quarterly Commission Meeting will take place on Wednesday, September 14, 2016, at 3:00 p.m.

ADJOURNMENT

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

Respectfully submitted,

Kenneth R. Yunker
Deputy Secretary