

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

DEPARTMENT OF ADMINISTRATION  
COOPERATIVE PLAN HEARING

December 18, 2019

Richard Jung Memorial Fire Station

N54 W26455 Lisbon Road

Pewaukee, Wisconsin

4:00 p.m. - 7:00 p.m.

Barbara Dassow, RPR, Court Reporter

BDassow1@aol.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

TRANSCRIPT OF PROCEEDINGS

MS. VICK: Hello everybody. I would like to call the meeting to order. Thank you for coming today for our cooperative plan hearing. To begin, I would like to introduce myself. I am Dawn Vick. I am with the Wisconsin Department of Administration, the Division of Intergovernmental Relations. And with me I have --

MS. POWERS: My name is Renee Powers. I lead the Municipal Boundary Review Program as well as the Plat Review Program of the Department.

MR. SCHMIDT: I am Erich Schmidtke. I work in the Municipal Boundary Review Program.

MR. RABE: David Rabe, I am an attorney in the Department, Division of Legal Services.

MS. VICK: We are here today because this public hearing was requested by the Village of Sussex according to Wisconsin Statute which permits any person to request a hearing if the request is within ten days following the department's receipt of a cooperative plan for review. So that did happen.

The purpose of today's hearing is to listen to testimony from the Town of Lisbon and the

1 Village of Lannon as well as from municipal  
2 neighbors such as Sussex, area residents and from  
3 others interested in this proposed cooperative  
4 plan. This testimony will be used to help the  
5 Department apply statutory review standards and  
6 Statute 66.0307.

7 Just so you know, this is not a court type  
8 hearing. There are no rules of evidence, no  
9 swearing in or cross examination of witnesses or  
10 objectives. When you talk, you are going to  
11 direct your comments to us, and direct your  
12 questions to us as well. Comments, just so you  
13 know, if you don't want to testify verbally, we  
14 will accept comments and written testimony for  
15 ten days following the hearing. So the deadline  
16 for comments for written testimony is Monday,  
17 December 30, 2019. You can send that to us by  
18 regular mail or you can e-mail those comments to  
19 us as well.

20 We will not make any decision on the  
21 proposed cooperative plan today. This is just to  
22 gather information from you. What we are going  
23 to do is we are going to take breaks. As you can  
24 see from the agenda, we will take comments from  
25 the interested parties first. We will take any

1 testimony. We will take a break. We will come  
2 back and take any more testimony. We will be  
3 here until 7:00 p.m. So once you have testified,  
4 you're not required to stay. We have to stay  
5 here until 7:00 p.m., know that. Handouts, they  
6 are on the back table there. We have an agenda  
7 and on that agenda you see we are going to hear  
8 from the communities of Lisbon and Lannon and  
9 Sussex and then from any individuals desiring to  
10 speak. We also have a cooperative plan process  
11 flowchart so you can see on that flow chart where  
12 we are in the process. And you see that we are  
13 at the end of the process. We must issue -- The  
14 Department here, we must issue a decision within  
15 90 days, which in this case will be no later than  
16 January 30th. So that is when our decision will  
17 be out, no later than January 30th. What  
18 decisions we can make, we can approve the  
19 cooperative plan, deny it or return it to the  
20 communities with recommended changes.

21 The other thing on the back table are the  
22 statutory standards. So that handout shows the  
23 specific statutory criteria that we examine the  
24 cooperative plan against during our review.  
25 Testimony and comments which closely relate to

1           these statutory review criteria are going to be  
2           the most relevant for us and helpful to us  
3           because that is what we are looking at in making  
4           our determination.

5           For those of you back there, we do have  
6           hearing registration slips. If you would like to  
7           present testimony, please fill out the slip and  
8           give it to me. This helps us manage our time and  
9           keep track of who has testified.

10          Because this is a public hearing and is  
11          being recorded by a court reporter, when you  
12          testify, please be sure to spell your name and  
13          please be mindful when you are speaking to speak  
14          clearly so your comments may be recorded. I am a  
15          fast talker. Don't talk any faster than me  
16          because she needs to be able to keep up.

17          Before we get into introductions, is there  
18          anyone who needs to leave early that we should  
19          get on and have them speak early in the process?  
20          Okay.

21          Then I would like to have the Town of Lisbon  
22          introduce themselves. Gina, if you would like to  
23          introduce who is with you today.

24          MS. GRESCH: My name is Gina Gresch, I'm the  
25          Town of Lisbon Administrator. Today we have with

1 us our Town Attorney, Jim Hammes; Supervisor  
2 Becky Plotecher and Chairman Joe Osterman. Thank  
3 you.

4 MS. VICK: Village of Lannon if you would  
5 like to introduce yourselves. And if you need  
6 those names spelled, let me know.

7 MR. GUDEx: Tom Gudex, Village of Lannon  
8 president. Patrick Yates, Janice Manor-Schmidt,  
9 and also Ben Woods is the village engineer.

10 MS. VICK: Thank you. And then Village of  
11 Sussex?

12 MR. SMITH: Jeremy Smith, Village  
13 Administrator. We have Village President Greg  
14 Goetz and the Village Attorney representing us,  
15 Al Reuter, on this matter.

16 MS. VICK: Thank you. According to the  
17 agenda, what we are going to do is we are going  
18 to hear a summary of the proposed cooperative  
19 plan by Lisbon and Lannon. If you would like to  
20 start.

21 MR. HAMMES: Thank you. Good afternoon.  
22 James Hammes, I'm one of the attorneys for the  
23 Town of Lisbon. We have submitted a cooperative  
24 plan for your review and consideration. The  
25 primary purpose of which is to lay out a process

1 or procedure where Lisbon and Lannon can and will  
2 work cooperatively to solve the ground water  
3 situation, basically either set up a municipal  
4 water system in Lisbon which is interconnected  
5 with Lannon or join with Lannon on a joint  
6 system. Now which of those alternatives or  
7 possibly in the third alternative if another  
8 municipality were to become involved, which of  
9 those ultimately will take place depends a lot on  
10 public service commission approval.

11 So what we are doing with this cooperative  
12 plan, we are attempting to do is to by commitment  
13 we will jointly pool our resources to study these  
14 two alternatives and come up with a solution that  
15 is acceptable to both municipalities. Ben Wood  
16 is the engineer for the village and has worked  
17 with Strand Associates. In a few minutes he will  
18 give you a PowerPoint presentation. The  
19 PowerPoint lays out a lot more of the issues. I  
20 want to say, you know, I would anticipate that we  
21 will end up being required to submit a revised  
22 plan to address some of the issues. For example,  
23 if you look at Lannon, it's comprised of about  
24 three-and-a-quarter square miles. It's bordered  
25 on Town Line Road, and I have map which is

1 Exhibit C, but you can pass it on. It might help  
2 you out a little bit to orient yourselves. But  
3 Town Line Road on this map is the boundary line  
4 between Sussex -- between Lannon and the Town of  
5 Lisbon. That has been the border since the Town  
6 of Menomonee Falls and the Town of Lisbon were  
7 created by the legislatures what, 150, 160 years  
8 ago. There has never been any transfer of lands  
9 from Lisbon to Lannon. Lannon was incorporated  
10 out of the Town of Menomonee Falls. At that time  
11 then I think Lannon was bigger than Sussex and  
12 everybody put together. But today Lannon has  
13 about 1,100 residents. It's surrounded on three  
14 sides by Menomonee Falls. And it borders Town  
15 Line Road with the Town of Lisbon. Menomonee  
16 Falls is a village that is the original town with  
17 the exception of Lannon plus Butler which is even  
18 smaller than Lannon on the other side. As you  
19 know what happened, in the late 50s, Menomonee  
20 Falls, New Berlin, Muskego, they all incorporated  
21 and so you ended up with these large villages  
22 that really were original townships.

23 There are a lot of issues in this area  
24 because of quarries, high bedrock, which impacts  
25 ground water. Wells become contaminated because



1 of blasting activities or these people say it's  
2 blasting activities and they say no, it's not,  
3 it's something else. The fact of the matter is  
4 there is a need for a municipal water system in  
5 this area. Lannon has a municipal water system  
6 but Ben Wood will explain this in more detail but  
7 it's under increasing pressure -- pressure may  
8 not be the right word -- but scrutiny from the  
9 Public Service Commission to find an alternative  
10 solution because they only have a single water  
11 tower. Now they are surrounded by Menomonee  
12 Falls but the problem is that a lot of Menomonee  
13 Falls is in the Lake Michigan Water Diversion  
14 Program. So you can't -- They have their  
15 limitation in how those systems can be connected.  
16 About, I don't know, 20 years ago almost already  
17 there was an interceptor, a sewer interceptor  
18 that was constructed by Lannon. If you look at  
19 this map, it runs down from Lannon to along Town  
20 Line Road down to V and into the Village of  
21 Sussex. That interceptor system was jointly paid  
22 for by Town of Lisbon through its sanitary  
23 district and the Town, the Village of Menomonee  
24 Falls, the Village of Sussex and the Village of  
25 Lannon. And for example on here you will see it

1 looks like a residential area. It's a mobile  
2 home park, Willow Springs Mobile Home Park. That  
3 was connected into that Lannon interceptor and  
4 sanitary sewer but no water.

5 A number of years ago the Town purchased  
6 what is known as the Lied's property, L-i-e-d,  
7 was a nursery and that is shown on your map. You  
8 will see on your map the high school and the  
9 school here. The Lied's property is located next  
10 to that. It's about 80 acres and it's to be a  
11 half roughly -- 45 acres is going to be an  
12 industrial development and 45 is going to be a  
13 business development. So the Town purchased  
14 sewer capacity in the Lannon interceptor. We  
15 purchased capacity in the plant. But in order to  
16 put in those types of developments, you need a  
17 municipal water system. A lot of them need to be  
18 sprinklered and because of the high bedrock and  
19 other issues there, we need a municipal water  
20 system. The Town at the present time is in the  
21 process of putting in a private well, getting  
22 license or approved through the state, but it  
23 will be constructed so that it can be converted  
24 to a public municipal well system subject to  
25 approval and subject to the ultimate

1           determination as to whether Lisbon creates its  
2           own water system and connects with Lannon or  
3           whether we have a joint system. That is what is  
4           going on.

5           And the fact of the matter is that in order  
6           to -- By the way, the Town has created a TIF  
7           district for this Lied's property. We are in the  
8           process of working on closing the first  
9           transaction which would put the first industrial  
10          building in there, which would be available for  
11          use sometime next summer. Going ahead with the  
12          private water system with the idea that will be  
13          connected into, become a part of the overall  
14          larger water system that we are talking about  
15          here.

16          So we have both municipalities need to  
17          address municipal water, and it seems that a  
18          joint cooperative agreement to find a way to do  
19          that together will save everybody money and  
20          provide better water service to the residents.

21          The agreement doesn't talk about a lot of  
22          other shared services and maybe we could have  
23          explained that in greater detail. Because Lannon  
24          is small, 1,100 people, surrounded by Menomonee  
25          Falls, a lot of their municipal services are

1           contracted with Menomonee Falls, snow plowing, I  
2           think and fire protection. All of those services  
3           are already provided so it's really not a  
4           function of this particular shared service  
5           agreement. They are already taking care of it  
6           and it just wouldn't work. Again, maybe we could  
7           be more detailing and explain that and we will do  
8           that in a revised plan. But the purpose, the  
9           main purpose of this is to find a cooperative  
10          solution to a ground water problem at the lowest  
11          possible cost and look at different alternatives  
12          and serve the residents of both communities.

13                 So maybe Mr. Wood can explain what work he's  
14          done in that because as you notice under part of  
15          the agreement we were committing to reimburse  
16          Lannon for \$100,000 for the costs that they have  
17          incurred. Thank you.

18                 MS. VICK: We are going to move so we are  
19          not in the way of everybody.

20                 MR. WOOD: My name is Ben Wood. I am with  
21          the engineering firm Strand & Associates and we  
22          are the village engineer for the Village of  
23          Lannon. I have a short presentation to discuss  
24          the Lannon Lisbon joint water study and how that  
25          explores options for long-term resiliency.

1           What I will cover today in this presentation  
2           is Lannon's need for rapid water expansion,  
3           Lannon's need for redundant water supply and  
4           Lannon's historic water system planning, how the  
5           Great Lakes Compact has implications on Lannon's  
6           historical water system planning, and wrap up  
7           with Lannon must explore second source  
8           alternatives. It's about ten slides, 10 to  
9           15 minutes to get through this.

10           So first of all, Lannon's need for rapid  
11           water expansion. So Lannon as a community has a  
12           village-wide sanitary sewer system and it has an  
13           existing water system with 142 customers.  
14           Everybody else in the Village of Lannon is on a  
15           private municipal well, several of which were  
16           installed several decades ago and not built to  
17           current DNR codes for private wells. Therefore  
18           they are susceptible due to the high bedrock  
19           elevation in Lannon when contamination from the  
20           surface infiltrates the ground and migrates over  
21           the top of that shallow bedrock, finds holes in  
22           the bedrock from these private wells and can  
23           contaminate the wells rather easily.

24           So in October of 2018 Lannon declared a  
25           public health emergency in response to Lannon

1 Elementary School, which is part of the Sussex  
2 Hamilton School District located within the  
3 Village of Lannon, because their private well  
4 that was serving the school tested positive for  
5 E. coli multiple times. So they requested a  
6 municipal water service extension. And Lannon  
7 did that under the declared public health  
8 emergency. That issue was brought to light  
9 because the elementary school does pretty  
10 frequent testing as required by DNR of their  
11 private well.

12 News of that spread to neighbors and several  
13 residents tested their private wells. The  
14 village held a public meeting in October of 2018  
15 and encouraged people to get their wells tested  
16 and submit those results to the Waukesha County  
17 Public Health Department. Fifty-five percent of  
18 all tested private wells as reported to Waukesha  
19 County Health Department were either positive for  
20 coliform or E. coli. Since the fall of 2018, 65  
21 wells were tested. 36 were positive for coliform  
22 and 13 positive for E. coli. At the time the  
23 Waukesha County Health Department indicated to me  
24 that on an annual basis throughout the entire  
25 county they see approximately four positive E.

1 coli tested wells in any given year and Lannon  
2 had 13. They were rather alarmed. The village  
3 board commissioned a water system study to  
4 analyze the viability and really the cheapest  
5 option possible to extend the municipal water to  
6 the areas of town that were suffering from these  
7 circumstances.

8 Municipal water was extended to Lannon  
9 Elementary in the summer of 2019 and municipal  
10 water expansion is currently proposed and if  
11 approved would target to be in place by the end  
12 of 2020 to the affected private well owners.

13 Lannon's need for redundant supply. Lannon  
14 has again a municipal water system. It's  
15 comprised of one well that has -- It's in the  
16 shallow aquifer, a 250 gallon per minute well and  
17 a reservoir that is 160,000 gallons. So  
18 currently, when it was first installed, that was  
19 considered adequate by DNR because of the low  
20 number of customers that we have. DNR code  
21 NR811.26 requires that water systems have  
22 redundant sources of supply. Currently Lannon  
23 does not.

24 So when we take a look at from an  
25 engineering perspective analyzing how much water

1 a community needs, you look at how much water the  
2 community can provide when their largest pumping  
3 unit is out of service. Currently Lannon only  
4 has one so you conduct this analysis with that  
5 well out of service and basically all of the  
6 capacity in the system comes from the 160,000  
7 gallon reservoir. So currently, the 2019 demand  
8 in the system is 50 gallons per minute. If that  
9 were gone, Lannon would need to have true  
10 redundancy right now in 2019, another 50 gallons  
11 per minute of supply. By 2024 that amount is  
12 project to be 188, just shy of 200 gallons per  
13 minute. To date DNR has allowed Lannon to  
14 continue with this single source of supply  
15 because they know because of our low number of  
16 customers that we can't exactly afford to build a  
17 second source of supply. And because we have  
18 sufficient capacity in the reservoir that if the  
19 current well were to go out of service, we could  
20 provide two days, slightly more than two days  
21 worth of water supply out of that reservoir. If  
22 it got beyond two days, then the system would be  
23 drained.

24 Continuing to talk about Lannon's need for  
25 redundant supply, it is projected that if we



1 build out the water system to provide municipal  
2 water to the private wells that are currently  
3 contaminated with coliform and E. coli, the  
4 number of customers in Lannon would jump from  
5 it's current 142 to approximately 317 by the end  
6 of next year. Most connections are residents  
7 that are earning below the state median household  
8 income therefore making it even more prudent that  
9 the village seek an economically feasible  
10 alternative to help these residents.

11 Strand again at the board's direction  
12 completed a water system study in 2019 that  
13 identified several alternatives for the Lannon  
14 water utility moving forward to address this need  
15 for redundant source of supply. That included  
16 what was always historically assumed to be the  
17 default option Alternative A which would be an  
18 interconnection with the Village of Menomonee  
19 Falls.

20 Utility ownership is a complicated issue  
21 that requires a lot of Public Service Commission  
22 input and analysis so initially it was  
23 contemplated that we would start with an  
24 emergency interconnection. Some of the troubles  
25 with that are that Menomonee Falls operates at a

1 different hydraulic gradient, essentially service  
2 pressure, than what would be optimal for the  
3 Village of Lannon and there are also Great Lakes  
4 Compact issues that would limit the ability of  
5 Menomonee Falls to have an interconnection with  
6 the Village of Lannon. I will get into that a  
7 little bit on the following slides.

8 Alternative B was a joint Menomonee Falls  
9 combined system, where, you know, if we separate  
10 some well facilities from the Village of  
11 Menomonee Falls, then the Village of Menomonee  
12 Falls and the Village of Lannon could have a  
13 stand-alone water district.

14 Alternative C, an interconnect with the  
15 Village of Sussex. While that is farther away,  
16 there are no Great Lakes Compact issues.

17 Alternative D, a combined system with the  
18 Town of Lisbon which is the subject of the study  
19 that is identified in this intermunicipal  
20 agreement. And redundancy would be inherently  
21 gained by the well that Mr. Hammes indicated is  
22 planned to be built to serve the Lied's property  
23 within the Town of Lisbon.

24 Alternative E would be for the Village of  
25 Lannon to build out its own system, drill a deep

1 well which would be fairly expensive,  
2 approximately two-and-a-half million dollars for  
3 a deep well with radium treatment.

4 All of these alternatives were proposed as  
5 part of the water system study again completed  
6 earlier this year. This map right here shows the  
7 greater area with the Village of Lannon being the  
8 smaller shaped area within the yellow boundary.  
9 Can everybody see my mouse okay? Otherwise I can  
10 use the laser pointer here. So this is the  
11 Village of Lannon right here. The purple and  
12 blue areas are the water service area of the  
13 Village of Sussex. The darker blue area is water  
14 service area in Menomonee Falls. That is part of  
15 the surface water system where they purchase  
16 water from Milwaukee Water Works. The green area  
17 here is part of the Menomonee Falls ground water  
18 supply system. That system is served by a total  
19 of three wells. The light blue areas are  
20 portions of Lannon that are currently on Lannon  
21 municipal water. There is a black line here that  
22 is critically important. This is the Great Lakes  
23 Basin divide. All of the water east of that line  
24 flows toward Lake Michigan. All the surface  
25 water on the west side of that line ultimately

1 flows toward Illinois, Fox and the Mississippi  
2 Rivers.

3 The Great Lakes Compact says that any water  
4 that is taken out of this basin is considered a  
5 diversion. Those diversions are by and large  
6 prohibited without very special circumstances  
7 similar to what the City of Waukesha went  
8 through. They are defined by the Great Lakes  
9 Compact as a community that is in a straddling  
10 county. Lannon is a community that is in a  
11 straddling county just like Waukesha. In  
12 contrast Menomonee Falls itself is a straddling  
13 community meaning the Great Lakes Basin runs  
14 through Menomonee Falls.

15 Now the Great Lakes Compact says that within  
16 a straddling community only the state  
17 environmental agency, in this case the Department  
18 of Natural Resources, has to review any  
19 diversions. So the DNR is a governing entity  
20 that decides where Menomonee Falls can pump their  
21 water.

22 The Great Lakes Compact says that for  
23 communities like Waukesha or Village of Lannon  
24 that are in a straddling county but lie entirely  
25 outside of that basin, the EPA and the Council of

1 Great Lakes Governors has to approve that  
2 diversion request after first being reviewed by  
3 the DNR and I think most are probably familiar  
4 with the multi-year, even multi-decade struggle  
5 that the City of Waukesha has gone through to get  
6 an approval for Great Lakes diversion.

7 Now Menomonee Falls, as I said, their ground  
8 water system shown in green is supplied by three  
9 wells, two of which are right here on the east  
10 side of the boundary of the basic divide line.  
11 That is critical because the Great Lakes Compact,  
12 it treats surface water and ground water the same  
13 when it comes to deciding what is inside and  
14 outside of the basin. So since all of these  
15 green areas are served by two wells that are on  
16 the wrong side of the basin divide, that is  
17 considered a diversion. That is a grandfathered  
18 diversion that has been approved by the DNR.  
19 What that means is the Great Lakes Compact treats  
20 all of the water that is in these green service  
21 areas of Menomonee Falls as Lake Michigan water.  
22 For that reason, Menomonee Falls cannot sell its  
23 water or transfer its water even under an  
24 emergency situation to other municipalities,  
25 other water utilities that are outside of its own

1 service area. The Great Lakes Compact defines an  
2 emergency interconnect not as what we would  
3 intuitively think of as a hard piped connection  
4 with a valve that you open in emergencies, Great  
5 Lakes Compact defines it as a physically  
6 separated, you can put water in a tanker truck,  
7 drive it to your outside community and put it  
8 into their system. Therefore, Lannon cannot  
9 interconnect with Menomonee Falls even though we  
10 are surrounded by Menomonee Falls on all three  
11 sides without very intense studies, approvals,  
12 multi years of drawn out studies. Quite frankly,  
13 Lannon doesn't have the resources or the time to  
14 pursue that.

15 Another challenge is shown in this kind of  
16 schematic of the topography that is represented  
17 in this mapped area. Lannon is at -- The ground  
18 elevations in Lannon are somewhat in between the  
19 typical ground elevation in Menomonee Falls and  
20 that in Sussex. Ground elevation kind of  
21 determines the appropriate water pressure or  
22 hydraulic grade elevation in a community that  
23 would be optimal to serve that community.  
24 Lannon's current hydraulic gradient that this  
25 light blue water system serves is approximately

1           1,065 feet, Menomonee Falls 1,030, and the  
2           Village of Sussex in these lighter areas is 1,080  
3           feet. So as you can kind of pick up from that,  
4           there would also be some hydraulic challenges in  
5           an interconnection with Menomonee Falls whereas  
6           connection to Sussex or the west at least  
7           hydraulically would make more sense for the  
8           Village of Lannon.

9           This point is kind of underscored in this  
10          next graph or next map here that shows the same  
11          service area but with the pressures that could be  
12          served by Menomonee Falls elevation of  
13          1,030 feet. All of the areas shown in red cannot  
14          be served at that elevation while maintaining DNR  
15          minimum requirements for pressure. So you can  
16          see the further that you move kind of north and  
17          west from Menomonee Falls, even several areas in  
18          northwestern Menomonee Falls and one in Lannon  
19          that cannot be served at that gradient.  
20          Therefore from a pure hydraulic standpoint, it  
21          makes more sense for Lannon to either build out  
22          its own system or find an alternative source of  
23          supply.

24          The Great Lakes Compact further complicates  
25          interconnections with Menomonee Falls. And I

1 covered a lot of this on the map. But two of  
2 Menomonee Falls ground water wells are inside the  
3 basin operating under grandfathered diversion  
4 granted by the Wisconsin DNR. Lannon is a  
5 community in a straddling county requiring  
6 approval of all Great Lakes Governors, if we were  
7 to interconnect. Physically connected emergency  
8 interconnections are prohibited by the Great  
9 Lakes Compact. A similar emergency  
10 interconnection was not approved by DNR, and on  
11 Silver Spring Road the Village of Sussex and  
12 Menomonee Falls plan to have an emergency  
13 connection with the valve normally closed. That  
14 would only be open in emergency. When they  
15 submitted that to the DNR for technical approval,  
16 DNR flagged it as needing review against the  
17 Great Lakes Compact and therefore that  
18 application was not approved because it was found  
19 that would likely not be allowed by the Great  
20 Lakes Compact. Lannon would be in a similar  
21 situation if they tried to interconnect with  
22 Menomonee Falls.

23 Lannon's water extension must continue to  
24 plan for interconnections with neighboring  
25 communities. In summary Lannon's water system



1 must expand in order to address the village's  
2 public health issues. Lannon must have a  
3 redundant source of supply as dictated by DNR  
4 Code 811. DNR has indicated to us at our next  
5 sanitary survey which is scheduled toward the end  
6 of 2020 that they will likely cite our one single  
7 well as being a deficiency that will have to be  
8 addressed.

9 Further investigation of a Lannon Lisbon  
10 interconnect is prudent for Lannon. Potential  
11 benefits include redundant source of supply to  
12 each system. Lannon will explore viable options  
13 while appropriate agencies would need to approve  
14 formal projects. The next step is to study the  
15 options. Again, the water system study that  
16 Strand completed identified five alternatives for  
17 how Lannon could build out its system with a  
18 redundant source of supply. The next step is to  
19 start studying each of those to see what is  
20 viable and what is not viable. If it's  
21 determined that a Lannon Lisbon interconnect is  
22 viable, DNR would have to approve all technical  
23 plans. Those approval requirements are governed  
24 by NR Code 108. Water main plans take 30 days to  
25 review. Others typically take 90 days. The

1 Public Service Commission would have to approve  
2 an interconnect through their construction  
3 authorization process, which is dictated by  
4 Wisconsin Administrative Code 184, a basic  
5 interconnection that is not an integrated utility  
6 but a simple interconnection that would follow  
7 the standard construction authorization review  
8 time line, which is six months to integrate  
9 utilities, where if it were truly a joint utility  
10 that was sharing water back and forth is a 12 to  
11 18 month review process. That is the approval  
12 process that would lie ahead if this option, this  
13 alternative, were studied and found to be  
14 mutually beneficial for both entities.

15 That concludes my summary of the Village of  
16 Lannon's water issue and what lies ahead as our  
17 next steps.

18 MS. VICK: Thank you. Any other comments  
19 from Lisbon?

20 MR. HAMMES: Just to follow up on that. I  
21 guess that is what I was attempting to explain  
22 earlier because if they need an interconnect --  
23 If we do our own system, we need an interconnect  
24 and that would -- both of those solutions, you  
25 know, benefit both municipalities. Conversely,

1 the study may show that an integrated or joint  
2 utility system is the way to go and we are  
3 committing to do that too if that is what the  
4 ultimate determination is.

5 I don't know if the court reporter wants a  
6 copy. We talked about a lot of these maps and so  
7 on with colors.

8 MS. VICK: We will put this in the record.

9 MR. HAMMES: Thank you.

10 MS. VICK: I have a question. What if the  
11 studies show that you should create your system  
12 on your own? I mean then you have created a  
13 boundary agreement just to do a study that is  
14 done and you didn't connect together.

15 MR. HAMMES: Right. I would expect -- As I  
16 said, I would anticipate that we may be  
17 submitting a revised plan. And if the study  
18 shows -- We are going to do our own system, okay,  
19 so I think that you raise a good point that there  
20 should be a commitment on the parts of both  
21 municipalities that if separate systems are the  
22 end result, they will interconnect according to  
23 PSC requirements so both concerns of Lannon are  
24 satisfied and concerns of Lisbon. Lisbon is  
25 going to go ahead with the system on its own.

1 But the first step is to commit to do the study.  
2 I mean, I understand sort of an agreement to  
3 agree. Let's be fair. But, at the same time,  
4 whether you go with the integrated system, a  
5 joint utility system or -- which is the lateral  
6 term which is an 18-month PSC approval process or  
7 separate systems that are integrated, one of  
8 those two options will be the end result. And  
9 until we get the study done, we don't know which  
10 way to go. If it's the opinion of the Department  
11 that we need a more firm commitment to accept one  
12 of those two -- be committed to one of those two  
13 options, that is something we would address in a  
14 revised plan.

15 MR. Schmidtke: I have a question. With  
16 sewer and water, is that impacted at all by the  
17 cooperative plan? Excuse me, water obviously is  
18 but what about sewer?

19 MR. HAMMES: Both Lannon and Sussex own  
20 capacity in the -- Lannon and Lisbon own capacity  
21 in the Sussex plant and we both -- we all jointly  
22 own the interceptor from Lannon downtown line to  
23 VV and to the plant. So any of the sewage  
24 capacity in the system, both in the plant and in  
25 the interceptor coming down, we each own

1           separately and individually. As a matter of fact  
2           we just upgraded that ownership agreement related  
3           to the interceptor to provide for different  
4           sharing and maintenance costs. There is a  
5           four-way agreement on the interceptor, Lannon,  
6           Sussex, Lisbon and Menomonee Falls. And then we  
7           all own our individual capacity. So we have  
8           capacity in both the plant and the pipe for the  
9           TIF development that we are in the process of  
10          doing. But we do need a long-term municipal  
11          water system for that development as the rest of  
12          the areas. If they are running E. coli tests  
13          that high, you can guess that there are others in  
14          the area that run -- Because those are caused by  
15          the high bedrock. So it's a system, it's an  
16          issue that we need to address.

17                 MS. VICK: Thank you. Village of Lannon, do  
18                 you have any comments you would like to make?

19                 MR. GUDEX: Ben Wood covered what I need for  
20                 the village.

21                 MS. VICK: Can I ask you then, it seems,  
22                 this is a very -- You know, this is an agreement  
23                 between two municipalities for a lot of things  
24                 for a very long period of time. And if the, you  
25                 know, if the situation comes out, there are five

1 different alternatives here. The alternative  
2 isn't to build a system with Lisbon. Why are you  
3 in the agreement then? What else are you  
4 agreeing to?

5 MR. GUDEx: Tom Gudex, Lannon Village  
6 President. The main thing is the water right  
7 now, and I am pretty sure Ben doesn't want to  
8 commit himself. I think the emergency  
9 interconnect with Lisbon is going to be one of  
10 the water things. But there is other things we  
11 can do. We could like with the parks, we are a  
12 small municipality so we could cooperate with  
13 our, it would back and forth with our parks,  
14 maintenance, and I know right now we contract  
15 with Menomonee Falls but that doesn't mean we  
16 couldn't contract with Lisbon, you know, and  
17 there is other things, Lisbon has, you know, road  
18 maintenance equipment. You know, we don't have  
19 our own crews on that. There would be a lot of  
20 things.

21 The main thing right now what we are hitting  
22 on is water that is critical. There is other  
23 things we would cooperate on.

24 MS. VICK: Okay.

25 MS. POWERS: I have one question. It

1 definitely sounds like water is a key issue and  
2 you're well on your way in developing and  
3 analyzing plans on how to solve the problems.  
4 Typically these cooperative plans involve a lot  
5 more sharing of services, transferring of  
6 boundaries and whatnot. Because it seems so  
7 narrowly focused on just the water issue, you  
8 still have time before you are going to have a  
9 solution. I guess I am curious why you're  
10 choosing the 66.0307 cooperative plan process  
11 instead of 66.0301 process, which you could do  
12 together, doesn't involve any kind of a state  
13 review at all. It's limited to ten years in term  
14 that can be renewed. I guess I would be curious  
15 to hear from you why you opted for this statutory  
16 process as opposed to what seemingly would be a  
17 much simpler process for you.

18 MR. GUDEx: We thought this was the best way  
19 to go. We are going to cooperate like with the  
20 compost site. We are not large enough to have  
21 our own compost. There are other things that we  
22 haven't gotten into real deep yet. And spending  
23 so much time on the water right now, that is  
24 really critical and I would like to get the  
25 cooperative agreement and nail down the other

1           stuff as we go along and cooperate more. I am  
2           just spending -- We have so much focus on the  
3           water because we have people and there are, I  
4           don't want to say lower income, but I forget what  
5           the term is, but below the average. It's  
6           critical that we get those people on safe water.

7           MS. VICK: Typically in these plans, the  
8           66.0307, those are detailed where those issues  
9           you're talking about you will discuss in the  
10          future are already nailed down in this plan  
11          before the parties come together. So that is why  
12          it's confusing. I understand that the water is  
13          the issue. That was made very clear to me. It  
14          just seems like, you know, that a lot of the  
15          details are missing as to some of the other areas  
16          in which cooperation would occur.

17          MR. GUDEx: We could get those nailed down  
18          pretty quickly. I could spend more time. I am  
19          far enough along in the studies that I could  
20          spend more on details. But I apologize, I have  
21          been really, you know, what's most important to  
22          me is the water.

23          MS. POWERS: That is why I asked why you  
24          chose this more complex cooperative plan process  
25          where a much simpler general agreement is what we



1 call them, 66.0301, that you could iron that out  
2 and have the comfort that you are going to share  
3 some of those expenses to look out for the  
4 citizens that truly do have a water issue. That  
5 was my reason for asking.

6 MR. GUDEx: I am a retired engineer, and I  
7 look long-term and real big picture and I felt  
8 this was best long-term. I have been like laser  
9 focused on the water and haven't really looked  
10 into it but I am far enough on the water that I  
11 can really spend time on that in the next couple  
12 of days.

13 MS. POWERS: Thank you.

14 MS. VICK: Thank you. Village of Sussex?

15 MR. REUTER: My name is Al Reuter. I am the  
16 attorney representing the Village of Sussex. I  
17 want to talk about the legal aspects of the plan,  
18 the compliance with the statutes and the approval  
19 criteria. The Department recently issued a  
20 determination in the Lisbon Merton cooperative  
21 plan, and I have to say I agree with virtually  
22 everything that you determined in that  
23 determination letter, which was that they did not  
24 meet any of the approval criteria.

25 What you have here tonight is essentially

1 the same plan. It's a plan that doesn't have  
2 most of the aspects that are required by the  
3 statute and there is clearly nothing that would  
4 demonstrate compliance with any of the approval  
5 criteria. The first one, of course, is the  
6 consistency with the comprehensive plan. Just  
7 like the last agreement, they say we determined  
8 it's consistent with our plan with no explanation  
9 and no discussion. I think that the Department  
10 correctly pointed out that affirmations alone are  
11 insufficient to enable the Department to make a  
12 determination. The boundaries that are being  
13 selected are basically the boundaries that exist  
14 today and this is a permanent agreement. So what  
15 the parties apparently have determined is that  
16 the boundaries as they exist today are the  
17 boundaries that should exist for the next  
18 10,000 years. But there is no explanation as to  
19 why either that boundary is selected or the term  
20 of the agreement as proposed to be perpetual.

21 On services, we heard a lot tonight for the  
22 first time about all of these water issues that  
23 are apparently the impetus for this plan. A lot  
24 of your questions were questions that I raised as  
25 I was listening to the presentation and that is

1           why this is not being done under 66.0301 if it's  
2           urgent and certainly the planning, the studies  
3           and those types of things are commonly done under  
4           66.0301. You don't need a boundary agreement to  
5           do that.

6           But what is important from the standpoint of  
7           the cooperative plan is what kind of service are  
8           people going to end up with as a result of this  
9           plan. And it's important to note that while we  
10          have heard tonight that while we have all of  
11          these different options and we are going to do  
12          one of them, there is nothing in the plan that  
13          says what the plan says is that they will do a  
14          study and after the study is done, they all get  
15          to decide what they want to do, if anything.  
16          There is no commitment to do anything in terms of  
17          helping Lannon with its water problem. And by  
18          the way, it was a good presentation. I know  
19          these issues. I have dealt with them before. I  
20          don't disagree with anything that was said by the  
21          engineer about the water problems and the need to  
22          address them and different ways to address them.  
23          This plan doesn't do that. This plan basically  
24          says we will talk about it at some point in the  
25          future. And play it by ear is not a plan. That

1 is what they are proposing to you as a plan.

2 I also want to talk about the process, the  
3 66.0307 approval process. We heard tonight from  
4 Mr. Hammes several times that they are going to  
5 be submitting a revised plan. They had a public  
6 hearing in front of their constituents. They  
7 have a public hearing tonight in front of you on  
8 a plan that was submitted that everybody had a  
9 chance to review and everybody had a chance to  
10 comment on. Somehow there is going to be a new  
11 plan submitted later that is going to differ from  
12 this plan. Apparently there is not going to be  
13 any process where anybody gets to comment on that  
14 plan. That is a concern that we certainly have.  
15 Apparently the next plan has a lot of information  
16 in it. This is the plan we get to comment on and  
17 that is all we really have.

18 The one thing in the Lisbon Merton agreement  
19 that I disagreed with was the determination that  
20 the plan could be revised to be approvable and  
21 therefore giving them the opportunity to resubmit  
22 within the 90 days, and it's for the reasons that  
23 I explained. By allowing them to resubmit a plan  
24 that was woefully inadequate under the statutes,  
25 you took away the opportunity for a public

1 hearing on that plan, which would be very  
2 different from the original plan. No public  
3 hearing that you can hold. You only have 30 days  
4 to decide on that plan. And that is what I am  
5 urging you not to do in this case.

6 This is a case where the plan that was  
7 submitted has almost no information in it that is  
8 helpful. The next plan is if it's in any  
9 approvable state, close to being approvable will  
10 certainly have more information. Yet there is no  
11 process or anybody in public to comment on it.  
12 One example of why I think public comment is  
13 important is it came from the Merton Lisbon plan.  
14 When they submitted that plan, they included  
15 affidavits of mailing of their authorizing  
16 resolutions. But they didn't include the list of  
17 people they sent it to. That was submitted the  
18 day after I commented on it at the public hearing  
19 in front of you folks, that we don't know who  
20 they sent these things to so we don't know if  
21 they complied with the law that applies to these  
22 plans. We have since had the opportunity to  
23 review it and found that they did not send the  
24 authorizing resolutions to about half a dozen  
25 entities that were entitled to receive that

1 information. So those entities had no ability to  
2 participate in the process and no knowledge of  
3 the planning process being in place but that was  
4 because the information in the plan should have  
5 been in the plan was submitted after the public  
6 hearing. One of those municipalities by the way  
7 was the Village of Lannon. That was not noticed  
8 of Lisbon's cooperative plan with Merton. I am  
9 urging you not to fall for the bait-and-switch  
10 that is -- whether it's intentional or not, that  
11 is essentially what is happening.

12 You know, any plan can be revised enough  
13 that it would be approvable. A blank sheet of  
14 paper can be revised into a fully approvable  
15 cooperative plan. That is clearly not the  
16 standard that the legislature intended. When you  
17 have a plan that doesn't meet any of the criteria  
18 because it doesn't have any of the information  
19 that the statutes require, that is not a plan.  
20 That is not a plan that should be revised. It's  
21 a plan that should start over. All of the people  
22 who are entitled to participate in the process,  
23 the opportunity to comment on it and, you know,  
24 make an informed decision after getting all of  
25 the information from all sides. Thank you.

1 MS. VICK: Thank you. All right. I do have  
2 some public testimony slips if any of you are  
3 here that came in late. There are slips on the  
4 back table which you can fill out. You can give  
5 verbal testimony or you can just register in  
6 favor or in opposition. Please feel free to do  
7 that. If you have those slips, feel free to  
8 bring them up to me any time.

9 Bill Lamers, you wish to testify?

10 MR. LAMERS: My name is Bill Lamers,  
11 L-a-m-e-r-s. I know when I came in, I have to  
12 make a decision, where is my deficiency, verbal  
13 or written. I took verbal. I am not a member of  
14 any Town position or committee. I just live in  
15 the Town of Lisbon and have lived here for just  
16 about 29 years. And I guess basically as far as  
17 the Town matters, I creep on the minutes of the  
18 Town Board and the Plan Commission and just to  
19 know what's going on, not enough to make myself  
20 dangerous, and I am kind of happy. Everything  
21 was fine like probably everybody. I have over  
22 that time like anybody if they spent the time saw  
23 the Town grow. It has gotten a lot bigger. And  
24 when I saw they were making an attempt to  
25 incorporate, I thought well, my view on it, for

1           what it's worth is every village and every city  
2           was unincorporated at one time. As they grew,  
3           and probably, you know, start to get your own  
4           identity, little characteristics, and citizens  
5           get together and incorporate and that is sort of,  
6           you know, well that is where we are. I think the  
7           Town of Lisbon has developed their own identity  
8           and as a citizen I would like to see us have that  
9           opportunity to vote on whether we want to be  
10          incorporated or not. You know, other than  
11          possibly one exception, I would think there is  
12          objections to communities around us and the  
13          population center certainly has grown west and  
14          north and south and we are in the middle of that  
15          still a township and I just think it's time that  
16          we get a chance to vote on and become our own  
17          community and control our own destiny.

18                 MS. VICK: Thank you. Just so you know  
19                 there is an incorporation process that the Town  
20                 can undertake.

21                 MR. LAMERS: When I was listening to all of  
22                 this, I thought, oh no, what have I done. I  
23                 should have become familiar with that. As  
24                 somebody who just lives here, that is how I feel,  
25                 I would like to see it go.



1 MS. VICK: Thank you. John Gehrke? That is  
2 all I have for public testimony slips right now.  
3 Jim?

4 MR. HAMMES: I just want to offer a comment  
5 if I could, just a couple, I mean, as far as  
6 alternatives, I think what Mr. Wood pointed out,  
7 Ben pointed out, there were five alternatives  
8 that Lannon looked at. This is the preferable  
9 alternative and that is why this is being  
10 explored. Now, you know, I didn't know we would  
11 be hearing Merton tonight or I would have brought  
12 that file. The bottom line is this. We had a  
13 public hearing with the boards. If Sussex had  
14 concerns about the content of the plan, they  
15 could have come to that public hearing, raised  
16 those comments and then we would have been  
17 required to revise the plan to address all of  
18 those comments. They elected not to do so. Take  
19 that into consideration. We are willing to work  
20 with the Department and come up with a plan. The  
21 fact that other communities may use an 0301  
22 option doesn't mean that this option that we are  
23 asking for approval doesn't fit the statute.  
24 Otherwise we wouldn't be doing it. Thank you.

25 MR. SCHMIDTKE: As long as you are up there.

1 One thing that I was confused about in Section 16  
2 related to comments from the county or RPC, no  
3 comments were received from the county or RPC  
4 which would have required modification or  
5 inclusion.

6 MR. HAMMES: We had no comments from them.

7 MR. SCHMIDTKE: They didn't comment or their  
8 comments --

9 MR. HAMMES: None. There were no comments.

10 MR. SCHMIDTKE: You reached out to them  
11 and --

12 MR. HAMMES: No public hearing comments, no  
13 responses at all. We haven't received any. And  
14 even at the, like you said, the public hearing  
15 there were no comments. And of course, the same  
16 situation occurred with the Merton matter. I  
17 recognize, you know, that this is a different  
18 situation. And if a commitment to build the  
19 system and interconnect with Lannon is the firm  
20 commitment that is required in order to --  
21 Because we are going to build a system. The  
22 reason it's left open is because we thought it  
23 better to let the PSC who has better knowledge of  
24 these things evaluate the system and tell us  
25 whether a joint system or an individual system

1 interconnected is the best alternative for the  
2 two communities. Whichever answer is given, that  
3 is what we will do. Thank you.

4 MS. VICK: All right. Since we don't have  
5 any public testimony slips right now, what we are  
6 going to do is stand informal. If we do receive  
7 some testimony slips, we will come back and allow  
8 that testimony. Otherwise we will stand informal  
9 until about 6:00 o'clock. And if we receive  
10 nothing at that point in time, we will do just  
11 final comments from each party. So please we are  
12 semi-adjourned right now so we are informal.

13 (Break taken.)

14 MS. VICK: We will go back on the record. I  
15 would like to ask Jane Stadler to come up.

16 Jane Stadler, welcome.

17 MS. STADLER: Good evening. Welcome on this  
18 nice warm evening. I am a resident of the Town  
19 of Lisbon. I have been here since 1972. I have  
20 served the Town in several capacities and  
21 presently on the Planning Commission. I looked  
22 at the agreement and I feel this is part of a  
23 need for both communities, and I feel it's  
24 important that we are able to help each other.  
25 This is not a meeting about incorporation. This

1 is a meeting about an agreement. And I think the  
2 other things are on the side and should not be  
3 considered.

4 As far as when it was commented that people  
5 did not have a chance to come to meetings, we  
6 have had in the Town several meetings that were  
7 well announced and well thought out and people  
8 either came or they didn't. And it's interesting  
9 how at a Planning Commission meeting you can get  
10 30 people because somebody's lock might be  
11 smaller than theirs and they didn't want it and  
12 all of a sudden how many did we have for our  
13 budget meeting, one. So, I mean, people should  
14 be aware of what the Town offers and what any  
15 village or any of the different communities  
16 offer. I am for the agreement. I feel it's a  
17 positive effort and if more details are needed  
18 then I am hoping that the Town will put those to  
19 your satisfaction so that we can go forward on  
20 this. Thank you.

21 MS. VICK: Thank you. Sherry Howard.

22 MS. HOWARD: Sherry Howard, resident of the  
23 Town of Lisbon for nearly four decades. I  
24 support the cooperative agreement between Lisbon  
25 and Lannon. And after hearing the wonderful

1 explanation of the water issues, I think that the  
2 agreement is a win-win for both communities. We  
3 will help out each other with water. Water --  
4 Lisbon is riddled with water issues and other  
5 areas as well. But I think this would resolve a  
6 huge problem for Lisbon residents who need it, I  
7 mean Lannon residents, and Lisbon in trying to  
8 develop some of its commercial areas. If there  
9 are deficiencies in the cooperative plan that  
10 don't give enough specifics and other services, I  
11 am certain both communities can quickly remedy  
12 that and get the plan in an approvable form. I  
13 just strongly support the plan. I am not sure  
14 why Sussex would be opposed to it. It doesn't  
15 impact them. It doesn't impact a boundary  
16 agreement between Lisbon and Sussex. I think  
17 it's great that Lisbon wants to cooperate with  
18 its neighboring communities like Lannon and  
19 Merton.

20 MS. VICK: Thank you. Those are the only  
21 testimony slips I have right now. We will go  
22 into informal again until probably around 6:00  
23 o'clock unless we receive more testimony slips.

24 (Break taken.)

25 MS. VICK: It's just after 6:00 o'clock. We

1 don't have any people left. I would like to  
2 offer the opportunity for the interested parties  
3 to offer closing remarks and then if we have any  
4 more public testimony slips, we would take those  
5 any time up until 7:00. I do also want to remind  
6 you, we will be accepting written comments until  
7 December 30th. You can e-mail those to us or  
8 mail those to us. So please remember you have  
9 that opportunity to testify as well.

10 Lisbon, would you like to offer any  
11 concluding remarks?

12 MR. OSTERMAN: Joe Osterman, Chairman from  
13 the Town of Lisbon. Welcome back. We kind of  
14 had the impetus, started with this agreement, try  
15 to work something out. The Lied's property which  
16 the Town of Lisbon owns is a big driving force  
17 with us trying to get water on that side of town.  
18 We need to get water there for our TIF. We are  
19 going to put one water source in. Lannon has one  
20 water source. When we are done with this, if we  
21 are separate we are going to each have one water  
22 source. Everybody knows how much it sucks being  
23 a Town. Borders are not always secure. Hence  
24 border agreements.

25 We are trying to get this done so we can

1           secure our borders, get this water system done,  
2           and I know the document says this is in  
3           perpetuity. We are hopeful to be incorporated at  
4           some point. We will see you again. We really  
5           want to push this through as far as the water  
6           system. I know it's five different options that  
7           were on there, in reality I think the Town would  
8           agree with me, there is one option on there, that  
9           is to work together. Whether it's the  
10          interconnect or whether it's a joint system, I  
11          feel it's going to be a joint system. But that  
12          is really the question. Everybody is going to  
13          study things to death. That is what you want to  
14          put money into because we can't just determine  
15          where it's going to go. I want to address a  
16          little bit of that as far as the studies and the  
17          agreement says we have to study this. You have  
18          to study it because it wasn't going to be ready  
19          in time for this I guess but we moved along quite  
20          a bit. We know where it's going to go. We were  
21          talking to the school board president about  
22          getting water to the Willow Springs area. It's  
23          nice to be able to work with Lannon. It's nice  
24          to work with Merton. Two great communities. We  
25          get along. I hope we can continue to do that and

1           approve this document.

2           MS. VICK: Lannon, any concluding comments?

3           MR. GUDEx: Tom Gudex, president of Lannon.

4           I want to thank you guys for coming here for this  
5           hearing. I want to thank all of the citizens  
6           that showed up. And I also want to really thank  
7           Joe Osterman and the Town of Lisbon for  
8           cooperating with us on this water.

9           And to give you a little back up the  
10          history, how the border agreement started. I  
11          started talking to them because I had a lot of  
12          residents asking me about what we do with our  
13          leaves and brush because Lannon isn't big enough.  
14          In the past when I was on the fire department way  
15          years back, we had a brush behind Village Hall.  
16          We burned it. That is frowned on today. We  
17          wanted to get on their compost and we needed --  
18          They have a road department. We need potholes  
19          patched. I want to get an agreement going on  
20          that. And then this water thing popped up where  
21          we found E. coli in the school. And guess what,  
22          my grandsons go to that school. It wasn't just  
23          because of my grandsons, but I mean it's  
24          personal. So we had to get the school water  
25          taken care of. Now we have to get the rest of



1 the residents not on water in Lannon because all  
2 of the new homes, half a million dollar homes and  
3 condos are all going to be on municipal water.  
4 When the power is off, they can flush toilets,  
5 take a shower, fire hydrants. There is a lot of  
6 advantages, you know, but then the lower income  
7 people aren't going to have that stuff. So, I  
8 apologize. I laser focused on the water and kind  
9 of forgot about the other stuff even though that  
10 is important. But where my brush and leaves go  
11 is just as important and the roads are going to  
12 get fixed when I dig up the roads to get the  
13 water pipes in. That will solve that short term.  
14 I will work on that in the next couple of days as  
15 far as the rest of the agreement.

16 MS. VICK: Thank you.

17 MR. OSTERMAN: One more comment. The reason  
18 why this is so important this happens now, Lied's  
19 is happening now. It's not happening in six  
20 months or in a year. We are in the process. I  
21 was just there negotiating with the developers  
22 today before I came here. We are going to be  
23 doing this in spring. They are doing this now  
24 also. It's a real concern now. We need this  
25 agreement so that both communities are on the

1 same page to do this. Resubmitting the agreement  
2 and starting over, we are running out of time.  
3 So that is why I ask that you don't deny it. If  
4 there is something we need to change, we will do  
5 it and take care of it. We will make this a good  
6 agreement that you guys can approve.

7 MS. VICK: Thank you. I don't believe there  
8 is anyone else. Go ahead.

9 MR. GUDEX: I don't know if I mentioned that  
10 I did a pre-approval for a grant to get the water  
11 system in, and I am doing the final approval  
12 tomorrow. And I hope to have water to 200 more  
13 customers in Lannon by this time next year. So,  
14 I mean -- I mean that is how critical it is that  
15 we get this taken care of.

16 MS. VICK: Thank you. Sir, did you have any  
17 kind of slip you would like to turn in?

18 MR. MENTZER: Sorry I am late.

19 MS. VICK: Not at all. Joe, if you would  
20 like to spell your name.

21 MR. MENTZER: M-e-n-t-z-e-r. I am a  
22 resident of the Town of Lisbon. I have been a  
23 resident for over 25 years, and I just wanted to  
24 come by and support this agreement with the Town  
25 of Lannon. I am glad we are working out good

1           solid workable agreements with our neighbors. I  
2           have watched the area grow over 25 years. Lived  
3           here 25 and been coming out here for 30 because  
4           my wife grew up out here and everything changes  
5           and I understand that and I am glad that we are  
6           able to negotiate with these people, the Town of  
7           Lannon, Town of Merton as equals, and there isn't  
8           the supremacy exercise by -- that a village could  
9           on a township. It's done on a friendly and on an  
10          even playing field. I am all for it.

11           MS. VICK: Thank you. That is all of the  
12          public testimony slips we have right out. We  
13          will stand informal. We will be here until 7:00  
14          p.m. You can stay, but you don't have to. We  
15          appreciate it. Thank you very much.

16           (Break taken.)

17           MS. VICK: Would you like to give us your  
18          name, please?

19           MR. EVERT: Ron Evert, I live at North 56  
20          West 25420 Richmond Road, Town of Lisbon. I have  
21          been a resident of the Village of Sussex and Town  
22          of Lisbon for 77 years. I know the whole story  
23          of Sussex. My dad was on the village board there  
24          for 12 years. He was fire chief there for 12  
25          years. I was on the Town Board for three terms

1 and on the Planning Commission for three terms.  
2 I have seen the ups and the downs and the ins and  
3 the outs. I think that any time two  
4 municipalities that get together to do any kind  
5 of agreement that is positive for the citizens, I  
6 think it's a good thing. I think that the Town  
7 of Lisbon has grown to a point where we have to  
8 incorporate. I don't think we have any other  
9 avenue to go. I have been here when we tried to  
10 incorporate two times and failed. I know that we  
11 are not here to discuss the Village of Sussex so  
12 I won't discuss all of the bad things that  
13 happened with the village, which are many. It's  
14 really difficult to do any type of a cooperative  
15 -- any type of cooperative agreements with the  
16 Village of Sussex. It's always they win and we  
17 lose and it doesn't make any difference to the  
18 public because the people in the Village of  
19 Sussex don't really care if the Town of Lisbon  
20 becomes incorporated or not. It's the  
21 politicians that are always fighting and arguing  
22 and nitpicking, and as a citizen I think it's  
23 time that the Town of Lisbon has to be able to go  
24 in their own direction and to be able to build a  
25 town the way they want to build a town without

1 extra territory reviews and all the nitpicking  
2 that goes on. They slowed our growth down so  
3 much in a lot of different directions that it's  
4 really difficult for anybody to govern in the  
5 Town. I kind of feel sorry for the Town Chairman  
6 and Town Board because they can't set their own  
7 precedence. It's always somebody else telling  
8 them what and what not to do. And I think it's  
9 time that we become incorporated. Thank you.

10 MS. VICK: Thank you. Once again, we will  
11 stand informal until 7:00 p.m. or until someone  
12 comes in to offer public testimony. Thank you  
13 very much.

14 (Break taken.)

15 MR. VICK: It's 6:59. Thank you. We have  
16 no more public testimony slips. The parties have  
17 given their concluding thoughts. So we will be  
18 adjourning in about one minute at 7:00 p.m.  
19 Thank you everyone for coming to the hearing  
20 tonight.

21 Just one more reminder that we will be  
22 accepting comments for the next ten days so you  
23 can get those comments to us by Monday, December  
24 30. We would appreciate it. The comments must  
25 be submitted by that date. You can e-mail those

1           comments to us or you can snail mail those  
2           comments to us. Monday, December 30th is the  
3           cutoff for additional comments. Thank you very  
4           much for coming out tonight. On that note we are  
5           officially adjourned. Thank you.

6                       (Proceedings concluded at 7:00 p.m.)

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

STATE OF WISCONSIN)

) SS

COUNTY OF WAUKESHA)

I, Barbara Dassow, Court Reporter and  
Notary Public in and for the State of Wisconsin,  
do hereby certify that the above proceedings were  
held on December 18, 2019.

That the above transcript was  
transcribed from my original shorthand notes to  
the best of my ability.

Dated this 23rd day of December, 2019.

Signed by:

Barbara Dassow

Court Reporter/Notary Public

My commission expires: 3/1/23