

VILLAGE BOARD MEETING MINUTES OF FEBRUARY 20, 2017

President Pro Tem Lewein called the Village Board meeting to order at 7:00 p.m. and led the membership in the Pledge of Allegiance.

Roll Call:

Present: Kavanagh, Schaefer, Ritzka, Stalewski, Ragonese and Pro-Tem Lewein.

Excused: Hayward.

PUBLIC HEARING

No Report.

CITIZEN COMMENTS

No Report.

APPROVAL OF MINUTES

Trustee Ritzka moved, seconded by Trustee Schaefer to approve the Village Board Meeting minutes for Monday, February 6, 2017.

Roll Call:

Ayes: Kavanagh, Schaefer, Ritzka, Stalewski, Ragonese and Lewein.

Excused: Hayward.

The motion carried.

FINANCE, CLAIMS AND PURCHASES COMMITTEE CHAIRPERSON RICHARD LEWEIN

Chairperson Lewein moved, seconded by Trustee Ragonese based on the recommendation of the Finance Committee to approve the following commercial vouchers 23298 – 23353 dated February 10, 2017 through February 20, 2017 in the amount of \$213,093.89.

Roll Call:

Ayes: Stalewski, Ritzka, Schaefer, Kavanagh, Ragonese and Lewein.

Excused: Hayward.

The motion carried.

Chairperson Lewein moved, seconded by Trustee Ragonese based on the recommendation of the Finance Committee to approve the bi-weekly payrolls dated February 17, 2017 in the amount of \$99,226.31.

Roll Call:

Ayes: Schaefer, Kavanagh, Ragonese, Stalewski, Ritzka and Lewein.

Excused: Hayward.

The motion carried.

PUBLIC SAFETY AND EMERGENCY GOVERNMENT COMMITTEE, CHAIRPERSON JOHN STALEWSKI

No Report.

PUBLIC WORKS, RECYCLING AND UTILITIES COMMITTEE, CHAIRPERSON JIM KAVANAGH

No Report.

LICENSES, ZONING, PARKS AND BUILDINGS COMMITTEE, CHAIRPERSON

Chairperson Schaefer moved, seconded by Trustee Stalewski to approve the Grade 1 application to collect and transport garbage for Advanced Disposal Services SW Midwest LLC.

Roll Call:

Ayes: Ragonese, Stalewski, Ritzka, Schaefer, Kavanagh and Lewein.

Excused: Hayward.

The motion carried.

Chairperson Schaefer moved, seconded by Trustee Kavanagh to approve the application for second hand article dealer for Wal-Mart, 4140 West Greenfield Avenue.

Roll Call:

Ayes: Ragonese, Stalewski, Ritzka, Schaefer, Kavanagh and Lewein.

Excused: Hayward.

The motion carried.

HEALTH, HOUSING, SOCIAL SERVICES AND RECREATION COMMITTEE, CHAIRPERSON JOHN RAGONESE

No Report.

PERSONNEL AND PUBLICITY COMMITTEE, CHAIRPERSON KURT RITZKA

No Report.

LEGISLATIVE COMMITTEE CHAIRPERSON RONALD HAYWARD

Trustee Ritzka moved, seconded by Trustee Stalewski based on the recommendation of the Legislative Committee to approve “An Ordinance to Create Chapter 2 Article VII of the Municipal Code of the Village of West Milwaukee, Wisconsin regarding the Tourism Commission” (01-O-17).

Roll Call:

Ayes: Schaefer, Ritzka, Stalewski, Ragonese, Kavanagh and Lewein.

Excused: Hayward.

No Report.

VILLAGE PRESIDENT’S REPORT

Pro-Tem Lewein discussed a Legislative Bulletin from the League of WI Municipalities stating an “Enormous Effort will be needed to Pass Dark Store and Walgreens Legislation”. Two of the League's top priorities for this session are:

1) Passing legislation closing the **dark store** tax strategy being used by big box retail stores like Target, Meijer, Lowe's, Home Depot, Menards and others to argue that the assessed value of a relatively new, thriving store should be based on the value of vacant or abandoned buildings of similar size. Courts in other states, like Michigan, have endorsed this theory. We are concerned that if the argument is successfully applied in Wisconsin, even more of the property tax burden will shift to homeowners.

2) Passing legislation that **reverses *Walgreens v. City of Madison***, a 2008 decision that Walgreens and CVS stores are using to successfully argue in court that the assessed value of their properties should be less than half of actual sale prices on the open market. The two have already sued more than 100 Wisconsin communities, claiming that their actual sale prices don't represent market value and the underlying leases are the wrong tool for determining the property's value for 'property tax purposes.' For example, in a December decision, the Court of Appeals, relied on *Walgreens v. City of Madison* to conclude that a CVS in Appleton should be valued at \$1.8 million, much less than the City's \$4.5 million assessment based on an actual sale of the property.

**Opposition Building.** The bills we seek are nearly ready for introduction. Even though the bills haven't been introduced yet, the opposition is already at full power. Wisconsin Manufacturers and Commerce, Walgreens, Big Box Retail Associations are lobbying against any changes in state law. Naturally, they want to retain the tax advantages they have gained at the expense of other taxpayers, primarily homeowners.

**Our Legislative Champions.** We are working with Sen. Duey Stroebel (R-Saukville) and Rep. Rob Brooks (R-Saukville) on the Walgreens reversal legislation. Our champions on the dark store legislation are Sen. Roger Roth (R-Appleton) and Rep. Rob Brooks.

**We need your help!** To counter the opposition to our legislation we need municipal officials to advocate for homeowners and other taxpayers that will be forced to pick up more of the tax burden if these bills are not enacted. Here are ways you can help:

-- **Learn more** about these loopholes and the resulting tax shift by checking out the [dark store resource page](#) on the League's web site.

-- **Pass the dark store resolution** posted on the League's website. (If your community has already passed the resolution then please [email](#) us a copy.)

--**Send us data** about reductions in property values that Walgreens, CVS and/or big box stores have successfully argued for in your community. Tell us how much of a tax shift to other taxpayers will happen as a result of the reduction in assessed valuation that has occurred.

--**Communicate your support** for our legislative efforts to your legislators.

The only way this legislative effort succeeds this session is if many municipal officials advocate for its passage. The fight has just begun. It will be a long process. Stay tuned for updates. It is recommended that the Village Board review possibly passing a resolution regarding this issue.

Trustee Ragonese questioned will developers agreements be a way to protect the Village. Administrator Egan stated she attended an Ehlers conference where this topic was a big discussion and almost every community has their assessment disputed. It is suggested with the developers agreements with the new development to include a minimum valuation, but the agreement is only good if there is incentive offered and until the incentive is paid back; so if a TID district is closed in five, six or ten years, there is no easy way to enforce the guaranteed valuation. The Menards located in the Village is assessed at \$8,000,000 and we have one of the strongest Menards sales wise. They are still disputing our assessment along with everyone in the State. This takes approximately two years to get through the court system. The resolution regarding the dark store will be on the next Village Board Meeting agenda.

#### DEPARTMENT UPDATES

No Report.

#### WMCDA REPORT

No Report.

#### VILLAGE ADMINISTRATOR'S REPORT

Administrator Egan reviewed the Public Hearing Notice on March 20<sup>th</sup> for the Advanced Auto rezone. There will be a WA/WM School District proposal operating referendum discussed at the March 6<sup>th</sup> Village Board meeting. Administrator Egan stated Chief Nasci completed a police report that should be reviewed. The auditors are in this week. Administrator Egan attended the Ehlers conference, there was discussion regarding new TID reporting requirements. The Joint Review Board used to meet before a TID district was organized or there were amendments; now a State ruling is to meet once a year with a presentation on the district and submit a report.

The Federal Government has a vehicle with lasers that measures Wisconsin roads, the average County road lasts 30 years and currently we are showing a State replacement schedule is 200 years so there is a lot of work to be done for road repairs. The Superintendent of Milwaukee Water Works Carrie Lewis is leaving the district to relocate in Portland, Maine. There is an article in the League of Wisconsin Municipalities regarding a bill to allow water utilities to create a program to collect a fee to assist with private lead/lateral lines.

Administrator Egan stated she looked into the reason the traffic signals on 44<sup>th</sup> and West National Avenue are still operating and that is because the employees still cross the street at that location. Trustee Ragonese questions why they are still operational when this is our choice and the pedestrians can walk to the Miller Park Way to cross the street. Administrator Egan will check with the Village Engineer Len Roecker.

Trustee Stalewski questioned the Property Maintenance/Fire Inspector job opening position where it states in the description reports to the police chief and/or Village Administrator. Is there any direct line say to the chair of Health and Housing who really will be responsible for a lot of what this person is going to be doing in that position. Administrator Egan stated they could do a report for the Village Board.

#### OTHER BUSINESS NOT INCLUDED ON THE AGENDA.

No Report.

ANNOUNCEMENTS-COMMITTEE MEETINGS

Monday, February 27 <sup>th</sup> at 6:00p.m.....	WMCDA Meeting
Monday, March 6 <sup>th</sup> at 6:00p.m.....	Committee Meeting
Monday, March 6 <sup>th</sup> at 7:00p.m.....	Village Board Meeting
Tuesday, March 14 <sup>th</sup> at 6:00p.m.....	Plan Commission Meeting

There being no further business before the Village Board, Trustee Ritzka moved, seconded by Trustee Stalewski to adjourn. Voice vote, the motion carried. Time 7:30 p.m.

Respectfully Submitted,

Judy Johnson  
Administrative Assistant