

SUMMARY OF PROCEEDINGS

Community Facilities Committee  
East Central Wisconsin Regional Planning Commission  
ECWRPC Offices  
March 14, 2007 – 10:00 A.M.

Committee members present:

Ernie Bellin .....Winnebago County  
Richard Wollangk.....Winnebago County  
Patrick Laughrin..... Calumet County  
Clifford Sanderfoot..... Outagamie County

Committee members absent:

Brian Smith. ....Waupaca County

Others in attendance:

Merlin Gentz. .... Calumet County\ECWRPC Commissioner  
Joe Sprangers..... Chairman, Town of Harrison  
Julie Heuvelman. ....Calumet County Planning  
Pat Hennessey..... Darboy Sanitary District  
Maurice Brockman. .... Darboy Sanitary District  
Dave Schmalz..... Darboy Sanitary District  
Paul Gauthier..... Midwest Properties/Highline Dev.  
Troy Frederickson. ....Midwest Properties  
Gene Frederickson. .... Highline Development  
John Johnson. .... Heart of the Valley MSD  
Glen Geurts. .... Heart of the Valley MSD  
Joe Huffman.....ECWRPC Staff  
Todd Verboomen. ....ECWRPC Staff  
Eric Fowle . ....ECWRPC Staff

**1. Welcome & Introductions**

Mr. Sanderfoot welcomed everyone to the meeting and the meeting was called to order at 10:03 A.M.

**2. Heart of the Valley SSA Amendment; S.T.H. 55 and C.T.H. KK Swap Request**

Mr. Eric Fowle began this session with an overview of the history and ultimately the circumstances leading up to this amendment request. The background information was presented in order to help committee members better understand the concerns associated with allowing developer-driven scenarios to influence local government planning. The Darboy Sanitary District and Town of Harrison had petitioned East Central for an amendment request for the purpose of providing service to a piece of property allegedly to accommodate a new Banta/Donnelly facility. Mr. Fowle also indicated that the overlapping of sewer service was also a concern. The floor was then quickly turned over to community representatives commenting on the proposed amendment request:

Pat Hennessey, Darboy S.D., relayed to committee members that the site could be serviced via gravity sewer as there was plenty of depth for the sewer main. With respect to water service, Mr. Hennessey stressed that there are no issues in terms of service with current water pressure being sufficient. Mr. Hennessey also produced an approved annexation to the Darboy Sanitary District for the site.

Merlin Gentz then took the floor to emphatically recommend that a compromise be reached between the parties at odds with this area (C. Kaukauna and Town of Harrison) regardless of the ultimate tenant of the property. Mr. Gentz cited issues such as land use planning, potential municipal boundary agreements and the economic impacts such a development brings to communities within the region. In Mr. Gentz's estimation that the polarization and political nature of this debate was also of concern. Planning agencies and governments alike should not be held "hostage" to alleged developments or to developers. He suggested this matter be postponed until a meaningful dialogue is reached with all parties affected. The idea of looking at the bigger picture would serve the citizens and region well. Mr. Gentz would like to see East Central as a moderator and/or facilitator for these talks. Mr. Gentz urged this to take place as soon as possible.

Mr. Clifford Sanderfoot inquired about the status of the boundary agreement issues between the Town of Harrison and City of Kaukauna. Mr. Sprangers responded with informing committee members that in 2004 the City of Kaukauna had attempted to annex this very same property. Due to changing legislation and ultimately a lawsuit by the Town of Harrison, the City of Kaukauna's annexation plans failed. These turn of events eventually led to the breakdown of negotiations with respect to any service or boundary agreements. As far as the Frederickson property being allocated during the 2005 SSA Plan update, it was noted that it was a function of East Central's decision making at that time. Mr. Sprangers also pointed out that the City of Kaukauna extended its interceptor after the annexation was denied.

Dave Schmalz then added information relative to the serviceability of the proposed amendment area. The supporting data that could be provided is overwhelming, some of which are not pertinent to today's discussion. Mr. Schmalz also echoed the sentiments of Mr. Gentz whereby further discussions should be required with affected parties. It was also noted that Calumet County will not allow private wells or on-site treatment systems in this area. Mr. Fowle interjected that the proposal seemed to be more 'reactive' rather than proactive, which, in planning terms, is the wrong approach.

Mr. Paul Gauthier, (Highline Development), addressed the committee members and stated that their outfit has owned this property for approximately 2 ½ to 3 years. Mr. Gauthier further explained their involvement and relationship with Banta Corp. and felt strongly that development of the site was imminent. Mr. Gauthier was asked if during that time the Town of Harrison or the Darboy Sanitary District were informed of any impending/potential development plans. Mr. Ernie Bellin asked why Banta didn't use the 17 acres remaining on their parcel located along CTH LP in the City of Menasha. Mr. Gauthier stated that the existing site was insufficient given the scope of the new facility. He also added that there were other development interests in the area being requested for sewer, other than Banta Corp., however, the availability of utilities such as sewer and water must occur in order for that to happen.

Mr. John Johnson, HOVMSD, asked whether this swap was imminent regardless of the circumstances revolving around this request. He went on to explain that the Heart of the Valley Metropolitan Sewerage District was reluctant to hold a public hearing that would alter the MSD's corporate limit area until the project was more finalized. Basically, the MSD would defer to the Community Facilities Committee based on their action and/or recommendations today.

Ms. Julie Heuvelman, Calumet County Planning, stressed that the County Planning Department would not support any service beyond the areas indicated for development in the Town of Harrison's current, adopted Comprehensive Plan document. The County's stance does not affect the current area being requested, as this is 'planned for'. Mr. Bellin then suggested getting a letter of commitment from Banta to ensure a measure of seriousness to develop the property. John Johnson, HOVMSD, stated his commission would also desire a similar commitment.

After additional discussion by the Committee, Mr. Wollangk then moved to place a 30 day limit on obtaining a firm letter of commitment to develop the property involved in this amendment request.

Mr. Bellin made the second. Prior to committee vote discussions ensued on this motion. The applicants felt that 30 days was perhaps not long enough to secure such a letter. Mr. Fowle then suggested a more palatable motion to alleviate any hardship on the developers or the Town of Harrison. After further discussion Mr. Wollangk withdrew his earlier motion. Mr. Wollangk then moved to approve the swap amendment request contingent that a letter of commitment from Banta Corp./Donnelly & Sons be submitted to the Town of Harrison within 90 days of today's action. If no letter of commitment is provided within this time period, the Community Facilities Committee would then allow re-consideration of this amendment request for other development uses if all sewer service area issues are resolved between the City of Kaukauna and the Town of Harrison to the satisfaction of both parties. Mr. Bellin made the second. Motion passed unanimously.

Mr. Gentz then closed by urging East Central to bring these communities together in order to reach closure on this matter.

### **3. Designated Sewer Extension Hold Status Removal; T. Harrison and C. Appleton**

Mr. Joe Huffman, as an informational item, relayed to committee members that this item had satisfied a previous contingency in a meeting held in April, 2004 and again in January, 2006. Supporting documentation from both jurisdictions was available for review. No action was required by committee members and the "hold status" for the two communities was lifted.

### **4. Wautoma/Silver Lake 2030 Sewer Service Area Plan Update Status**

Mr. Todd Verboomen addressed committee members on the status of the Wautoma-Silver Lake SSA Plan update which began in earnest on December 19, 2006 with a 'working' meeting. That initial meeting produced allocation scenarios with regards to planning and sewer service area boundaries. The results of those allocations were then submitted for review by the affected communities. Minor adjustments were made based on those community reviews and the final draft was presented in a public hearing that was held on February 28, 2007. Mr. Verboomen informed committee members that no objections or additional revisions were required as a result of that public hearing. As far as scheduling for final adoption by the Community Facilities Committee it was suggested that a special meeting be held prior to the full Commission meeting slated for the end April, 2007. Committee members agreed to that scheduling.

### **5. Next Meeting and Agenda**

The Committee discussed the next potential meeting date and it was decided that the Committee would convene on April 27, 2007, (quarterly Commission meeting), to act on a resolution to adopt the Wautoma/Silver Lake 2030 SSA Plan update. This meeting has the potential to revisit the HOV Swap amendment, (Item #2 of these summary of proceedings).

### **6. Other Business**

Staff informed the Committee of several potential amendment requests in the pipeline most notably the potential for significant changes to the Larsen-Winchester SSA based on facilities planning work being conducted with the Larsen-Winchester Sanitary District. Amendment requests by the Village of Sherwood, (2), and the Town of Friendship, (Van Dyne) all seem imminent as well

### **7. Adjournment**

Mr. Sanderfoot moved to adjourn the meeting and it was second by Mr. Laughrin. The meeting was adjourned at 11:28 AM.