

**DRAFT
SUMMARY OF PROCEEDINGS**

**Community Facilities Committee
East Central Wisconsin Regional Planning Commission
September 12, 2007 – 1:00 P.M.**

Committee members present:

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

Others in attendance:

Mark SurwilloHOVMSD
Merlin Gentz..... Calumet County Board Chairman
Joe Sprangers Chairman, Town of Harrison
Kelly Hoxtell Calumet County
Daniel Thiel..... Town of Woodville
Tracy Flucke..... Town of Harrison
James Salm..... President, Darboy Sanitary District
Amy Vaclavik..... McMahan Associates, Inc.
John Sundelius.....City of Kaukauna
Bob Jakel..... Director of Community Development, City of Kaukauna
Eric Fowle..... Executive Director, ECWRPC
Kathy Thunes.....ECWRPC Staff
Todd Verboomen.....ECWRPC Staff
Joe HuffmanECWRPC Staff

1. Welcome & Introductions

Mr. Sanderfoot welcomed everyone to the meeting and the meeting was called to order at 1:00 P.M.

2. Statement of Compliance/Wis. Stats. Ch. 19, Subchapter V, Sec. 19.84

The open meeting law was recognized.

3. Approval of the July 17, 2007 Community Facilities Committee Meeting Summary of Proceedings

A copy of the July 17th Summary of Proceedings were distributed to meeting attendees for review and comment. The July 17, 2007 Summary of Proceedings were revised per comments received. Mr. Fowle had previously provided members with an edited version for Committee members to consider for approval. Staff plans to record future Community Facilities meetings.

The July 17th Summary of Proceedings was commented on by three interested parties correcting and/or clarifying their position relative to that particular meeting. Those suggested corrections were submitted by John Sundelius, (City of Kaukauna), Amy Vaclavik, McMahan Associates, (on behalf of the Darboy Sanitary District), and Bill Craig, (County Administrator, Calumet County). Mr. Fowle addressed each of those concerns in great detail and walked through the scenarios for Committee members. Mr. Fowle noted that the response from Bill Craig was not included in the revised

summary and explained that this issue would be discussed by Committee members. Mr. Fowle then asked the Committee to recollect their understanding of the statements made by Mr. Craig on July 17th, 2007. As the discussion ensued, Committee came to a consensus that the economic development opportunities offered to either jurisdiction was immaterial to decisions made on July 17th, 2007 and elected to leave Mr. Craig's statements and comments intact as presented. Mr. Sanderfoot then requested a motion to approve the July 17, 2007 Summary of Proceedings as revised. Mr. Richard Wollangk moved to approve the SOP as revised. Mr. Ernie Bellin made the second. Motion carried.

4. Public Comment

Mr. Sanderfoot opened the floor for public comment prior to moving forward with the balance of the agenda. Mr. Sanderfoot explained that a related issue, (Agenda Item 6), was a discussion item only and that no Committee action would be taken.

Mr. James Salm believed that the "hold status" placed on the triangle development area was caused by the City of Kaukauna's objection to Darboy Sanitary District serving the property. While these issues arose during the plan update, Mr. Salm indicated that the "hold status" was invoked as to not delay the 2005 Sewer Service Area Plan update. Mr. Salm's primary objection was the manner in which Committee members decided to lift the "hold status" at the July 17, 2007 CFC meeting.

Mr. Merlin Gentz, speaking as Calumet County Board Chairman and attempted to clear up Mr. Craig's written response, stated that the County's perspective was not so much who would serve the property, but in fact, who is able to serve it now. The County would support a jurisdictional component in a position to actually provide sewer service. Furthermore, that jurisdiction must be allowed to provide service irrespective of any other strings attached. Mr. Gentz added that Calumet County does not feel that it is possible at this time.

Mr. Bob Jakel, asserted that the "hold status" was requested by the Darboy Sanitary District prior to the changes in state statutes pertaining to annexations. Mr. Jakel added that the City has the means to service the area as the City has built and extended sewers in that direction since the 1960's. Mr. Jakel reiterated the issues surrounding the Banta development and reminded Committee members that the City had no objection to Banta locating in the Town of Harrison.

Mr. Sanderfoot again reminded the audience that Agenda item 6 was not an actionable item, however, it would be the Committee's prerogative, after discussion, to reconsider the prior Committee action, (July, 2007 CFC meeting), regarding the Darboy S.D. swap amendment. In the event the Committee chooses to reconsider, an appropriate, actionable agenda item will be included on the next meeting agenda.

The public comment period was then closed.

5. Sherwood Sewer Service Area; Village of Sherwood Swap Amendment/Administrative Adjustment Request – Camelot Estates Phase I & Lakeshore Estates

Mr. Verboomen presented the Sherwood Sewer Service Area amendment request to the Committee and overviewed the issues surrounding this item. (This item was tabled at the July 17, 2007 CFC meeting with extenuating circumstances). Mr. Verboomen briefed the Committee on the effluent discharge from the Sherwood WWTP that had caused flooding concerns with a Town of Harrison resident. Based on a field visit and analyzing effluent volumes from the WWTP it was determined that effluent from the plant did not pose a significant impact to the receiving waters. Mr. Verboomen made it clear that this would not be used to deny the amendment request.

Mr. Joe Huffman informed Committee members that this particular amendment request had been in progress since February, 2007. Discussions between the developers and the Village Administrator

produced a workable amendment request to be presented to the Community Facilities Committee for the July, 2007 meeting. In the meantime, the Village Administrator's position became vacant, leaving the Village of Sherwood without a person to implement the amendment request. At the July 17, 2007 Community Facilities Committee meeting, Committee members, on staff recommendations, moved to table the item until the September 12, 2007 CFC meeting. As East Central staff continued discussions with the Village, it became apparent that the Village was somewhat uncomfortable with proceeding with the additional service area until a new Administrator could be appointed. Mr. Huffman then recommended to Committee to table this item once again and bring it back at the November 14, 2007 CFC meeting. This in turn would allow the Village of Sherwood additional time to study the situation. Mr. Bellin moved to lay this item over until the next meeting. Mr. Pat Laughrin made the second. Motion carried.

6. Discussion Item: Heart of the Valley SSA; Darboy Sanitary District "Swap Amendment Request" – STH 55 & CTH KK, Town of Harrison

Mr. Fowle began the discussion with a brief overview. Mr. Fowle indicated that a meeting with the Darboy Sanitary District and McMahon Associates was held to discuss the significance of the Committee's decision on July 17, 2007. It was also disclosed that the Town of Harrison and the City of Kaukauna met twice since the July 17th meeting. In addition, Mr. Fowle stated that Toby Paltzer, Outagamie County Executive, as well as one other East Central Commissioner have been involved in the issue.

Mr. Fowle presented documentation from the involved parties clarifying positions and correcting other misconceptions. Inquiries from the office of Rep. Al Ott were also received in connection to this issue. Mr. Ott's concerns were geared toward the implications with respect to economic development. Representative Ott had no official opinion one way or the other but requested to be kept abreast of the situation as it moves forward.

Mr. Fowle then reviewed with Committee the position paper submitted by the Town of Harrison and the Darboy Sanitary District. Mr. Fowle took exception with the accusatory tone and the notion that East Central, the Community Facilities Committee and staff members decided this issue with political motivations. Mr. Fowle then overviewed East Central's response to the charges leveled against the Commission. Mr. Fowle addressed the issues related to: 1) sewer serviceability and the 'right' to serve a particular area, 2) resources spent by the property owner and/or developer for site preparation was pre-mature, a risk the developer took on his own, 3) it is not in the interest of this Committee to stifle economic growth especially if there is a strong commitment by the industry wanting to locate at that site, 4) the political accusation is unfounded.

Mr. Fowle stated that sewer surcharging played no real role in the Committee's decision. This issue has been technically supported by McMahon Associates and is really a moot point. Mr. Fowle then discussed point by point East Central's position with respect to the appearance of political motivations and jurisdictional issues. In addition to those topics, Mr. Fowle addressed in some length the Kankapot Creek Interceptor, the interceptor divide between the Town and City, Calumet County's Administrator Craig's economic development stance and a statement made by one Committee member designating the City of Kaukauna as the service provider in the triangle development area. Mr. Fowle then cited East Central's Long Range Transportation Land Use Plan, as a basis to make those decisions. Mr. Fowle explained that as development occurs there are certain levels of service that are expected. Admittedly, there were few differences between the Darboy Sanitary District and the City of Kaukauna as service providers. Mr. Fowle described each level of service as it pertained to the jurisdictions. Mr. Fowle asked Committee members to clarify for the audience their method of making the decision on this amendment request back on July 17, 2007. Mr. Laughrin was in favor of pressing the Intergovernmental and Interagency Cooperation policy as a resolution to the current controversy. Mr. Sanderfoot opened the floor to Mr. Sprangers relative to a meeting between the Town of Harrison and the City of Kaukauna. Mr. Sprangers stated that he left that meeting with the same position that they came with and that was the Town wanted

an agreement for the entire area. Revenue sharing was discussed as well as pushing for a long term solution for the entire area that would include Town access to the Kankapot interceptor. There would be no incentive for the Town to agree to let Kaukauna annex into Calumet County without something in return. A boundary agreement would have to include access to the Kankapot interceptor sometime in the future. Mr. Sundelius indicated that a closed session Common Council meeting has been scheduled for Monday (September 17, 2007), to further discuss this matter.

Mr. Ernie Bellin then clarified his decision and stressed that his decision was in no way based on political motivations. He felt that the economic base would still be in Calumet County's favor no matter who serves the area. Mr. Bellin's decision was based on past experiences and practical knowledge in sewer service area issues and that over time, those decisions have been consistent.

Mr. Sanderfoot then asked the Committee if they wished to do anything with this item at this time. Mr. Fowle, referred committee members to a letter submitted by the Darboy Sanitary District dated August 28, 2007. This letter essentially requests that the Committee reconsider its decision to lift the 'hold status' that was in favor of the City of Kaukauna. Mr. Salm felt that the district is in a position to serve the area sooner than the City. Mr. Fowle explained that this request is not a full appeal to the Commission, but rather a reconsideration of service designation for the triangle area. In essence, the focus should be on the triangle area as opposed to including the swap amendment as part of the reconsideration.

The question was put to Mr. Salm as to why a reconsideration of the triangle area only and not the entire amendment request that includes the swap for Donnelly, (Banta). Mr. Salm reiterated the district's ability to provide service sooner rather than later and that the Town of Harrison has as many benefits to offer as does the City. Mr. Salm concluded that this area should not be held in abeyance to force a boundary agreement.

Committee then discussed options to deal with this issue, particularly from the standpoint of a potential appeal by the Darboy Sanitary District. It was generally agreed that no development is likely to occur in the triangle area unless some sort of agreement is reached between the parties involved. Mr. Fowle then suggested that it may be prudent to wait until the City of Kaukauna's Common Council meeting to make any determinations at this point. Mr. Wollangk provided the proper procedure to place this item on the next Committee meeting agenda as a new actionable item. Mr. Salm then indicated that if Committee would not reconsider today, then the Darboy Sanitary District would rescind its letter of reconsideration and appeal this item before the full Commission in October, 2007. It is the wishes of the district to bring the entire amendment request before the full Commission for appeal. Mr. Sanderfoot offered the Committee's services should there be a breakthrough between the City of Kaukauna and the Town of Harrison. There being no further discussion this item was then closed.

7. Action Item: Resolution No. 16-07: Approving the Black Creek 2030 Sewer Service Area Plan Update

Todd Verboomen presented materials and discussed the process for the 2030 Black Creek Sewer Service Area Update. Today's action would facilitate the presentation of this plan update to the full Commission on October 26, 2007. Mr. Verboomen detailed the summary tables pertaining to population/employment forecasts and described the acreage allocations based on past trends and future expectations for the service area. The "open-style" process of this effort was extended to the Town so that town officials could be involved in the process even though the Town has no existing sanitary district or sewer service provision. There being no input from Committee members Mr. Richard Wollangk moved to adopt Resolution 16-07 approving the 2030 Black Creek Service Area Plan Update. Mr. Ernie Bellin made the second. Motion carried unanimously.

8. Next Meeting

It was agreed that the next scheduled meeting would be November 14, 2007 at 1:00 P.M.

9. Adjourn

The meeting was adjourned at 2:35 P.M.

(This meeting was recorded in its' entirety and is available upon request).