

SUMMARY OF PROCEEDINGS

Community Facilities Committee
East Central Wisconsin Regional Planning Commission
July 17, 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:

John JohnsonHOVMSD
Joe Sprangers Chairman, Town of Harrison
Bill Craig Adinistrator, Calumet County
Kelly Hoxtell Calumet County
Larry Sprangers. Town of Harrison
Daniel Thiel. Town of Woodville
Joe Nemecek. Nemecek & Associates, Inc.
Tracy Flucke. Town of Harrison
James Salm. President, Darboy Sanitary District
Amy Vaclavik. McMahan Associates, Inc.
Gene Rosin.....Mayor, City of Kaukauna
John Sundelius.City of Kaukauna
Travis Novotny.Midwest Properties
Troy Fredrickson.Midwest Properties
Gene Fredrickson. Midwest Propderties
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 May 9, 2007 Community Facilities Committee Meeting Summary of Proceedings

Ernie Bellin moved to approve the May 9th summary of proceedings. Richard Wollangk made the second. Motion passed unanimously.

4. Public Comment

There were no comments.

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

Mr. Huffman presented to committee members the amendment request filed by the Village of Sherwood to accommodate impending and future residential developments. The areas in question comprise four parcels of land all lying in the northern reaches of the village limits. Mr. Huffman explained to committee members that a combination of amendment policies are being proposed to accomplish the desired results; Policy I,A, (acreage swap) and Policy I,F (Mapping error\Administrative adjustment). A total of approximately 111 acres are involved with this request. The village intends to swap approximately 75 acres from the existing sewer service area and use approximately 28 acres in administrative adjustments. Mr. Huffman noted that within the administrative adjustments there were approximately 13.8 acres of WDNR owned lands that were deemed undevelopable. These lands were never identified in the 2002 Sherwood Sewer Service Area Plan Update as being in public ownership.

The Camelot Estates Phase I development located in the northeast portion of the village amounted to approximately 31 acres, requiring the construction of a lift station to bring utilities to the site. Within this site lies a drainageway that was classified as a non-navigable waterway by the Calumet County Planning Department, thusly not subject to Shoreland Zoning. This was also confirmed by a navigability determination conducted by the WDNR in a letter dated February 22, 2005. (This documentation was made available to committee members). Regardless of this fact, East Central's Environmentally Sensitive Area definition applies. The developer, Joe Nemecek, explained to committee members that a detention pond and drainage easements are planned for the overall development of this site in conjunction with stormwater management planning.

The balance of this amendment request would be placed within the village's northwestern limits. The developments proposed are 'continuation' developments relative to developed subdivisions directly south. Referred to as Lakeshore Estates East and North, these proposed developments provide a logical progression of residential development. Mr. Huffman pointed out that sewer mains were stubbed to these properties as a result of prior planning efforts. Mr. Huffman told committee members there was sufficient treatment capacity to handle additional flows from the proposed developments. At this time, officials from the Towns of Harrison and Woodville expressed concern relative to the Sherwood treatment plant's effluent discharge into a tributary to the North Branch of the Manitowoc River. These officials believe that this amendment would increase current effluent discharges and compound the problem for property owners downstream. It was also pointed out that an active quarry, located south of the village, also discharges groundwater ultimately winding its' way into the same receiving waters, (tributary to the North Branch of the Manitowoc River). Committee then inquired about the village's ability to provide water to these proposed developments. Based on information gathered during the amendment process, and assurances from village officials, Mr. Huffman informed committee members that the municipal water supply was not an issue.

Mr. Huffman directed the committee to place a contingency for approval should this amendment request move forward. This contingency was a result of the villages' failure to properly notify the property owners being deleted from the service area.

Mr. Eric Fowle then suggested to committee members two options for consideration; 1) Table this request upon further investigation of the perceived effluent problems or 2) Approve this request since East Central's responsibility, as far as this committee is concerned, ends at the treatment plant; but place a contingency for approval based on property owner notification.

Mr. Richard Wollangk then moved to table this item until the next scheduled meeting and directed East Central staff to investigate the effluent discharge issue for additional information. Mr. Ken Capelle made the second. Motion carried. Mr. Ken Capelle then moved to amend the motion to include a request that representation from the village attend the next meeting. Mr. Bellin made the second. Motion carried and stands amended.

6. Heart of the Valley SSA – Darboy Sanitary District Swap Amendment Request, S.T.H 55 & C.T.H. KK, Town of Harrison

Mr. Fowle presented this item to committee members indicating that this particular issue has achieved a storied history to date. Despite three joint meetings, facilitated by East Central that included City of Kaukauna officials, Town of Harrison representation, Calumet County officials, developer interests, engineering professionals and sanitary district officials, and one technical meeting hosted by an area engineering firm, a consensus for resolution could not be reached.

Mr. Fowle went on to explain the circumstances in which the Darboy Sanitary District had petitioned East Central for a swap amendment to the Heart of the Valley Sewer Service Area. The area to be added was ostensibly for a manufacturing/warehouse facility to be located south of C.T.H. KK and east of S.T.H. 55. The acreage involved amounted to approximately 45 acres with a like amount being removed from a future industrial park located on Manitowoc Road and C.T.H. N. This amendment area became the thrust of a much larger regional issue predicated on the ability of two separate entities being able to serve the same land area, (Darboy S.D. and the City of Kaukauna). It then became incumbent upon East Central to engage community leaders to arrive at an equitable determination of service. This endeavor was sparked by correspondence from the City of Kaukauna who had reservations relative to planned services, for not only this proposed development but for the future developments in the immediate region on a grander scale. Notwithstanding the 90 day grace period given to a prospective occupier in this amendment area, (by which a commitment to build never materialized), the focus then hinged on two major points; 1) while interceptor capacities in both communities had ample capacity and ability to serve the site, the committee could make the determination of which entity should provide service and 2) the 2030 Heart of the Valley Sewer Service Area Plan had, thoroughly and in great detail, studied this area which in turn resulted in the creation of an 'Interceptor Divide Boundary'. Mr. Fowle provided a position paper outlining several options for committee members to consider. Shortly after Mr. Fowle's address to the committee, Mr. Sanderfoot opened the floor for discussion.

James Salm, Darboy Sanitary District President, wanted to correct earlier statistics regarding a particular flow meter reading occurring in May, 2006. It was learned later that the metering station was incorrectly calibrated and produced erroneous flow data. The high numbers reported were then compared to a February, 2007 reading after the problem was addressed and were found to be more in line with actual flows from the district. Mr. Salm summarized the district's history stating that at the outset the district was serving approximately 200 homes compared to 4,100 today. In addition, the district currently serves over 200 commercial establishments. He also compared water conservation practices used today that weren't in place years ago. With the district's adoption of a water conservation ordinance in 2003, the district had further reduced its' gallon/per-capita/per day, ranging from 59 g/p/c/d to 74 g/p/c/d. Mr. Salm implied this was an important development given the City of Kaukauna's assertion that aspects of sewer main surcharges were not addressed properly. It was also noted that few, if any, homes would be impacted if a surcharge were to occur. The Darboy Sanitary District also has the ability to divert flows from the new interceptor into an existing fifteen interceptor further west, in the future, if necessary.

John Sundelius, City of Kaukauna Director of Public Works, reminded committee members that Wisconsin Administrative Code sets guidelines for sewer design and their capacities. Most municipalities, including the City of Kaukauna, use a standard of 100 g/p/c/d for design purposes. In an initial engineering report produced by McMahon Associates relative to Darboy S.D.'s twenty-one inch interceptor a figure of 100 g/p/c/d along with a 2.5 peaking factor was used. The City of Kaukauna pointed out that a subsequent report for the same interceptor listed 80 g/p/c/d as the design standard. Mr. Sundelius also provided data that showed Darboy's g/p/c/d was actually increasing which was counter to the districts' claim that it was otherwise. This perspective was refuted by the Darboy Sanitary District.

The discussion then turned to the 'triangle' area bounded by C.T.H. KK to the north, Friendship Road to the west and S.T.H. 55 on the eastern boundary. This particular area had been placed in a 'hold status' during the Fox Cities 2030 Sewer Service Area Plan update, (a hold status is designated when there may be jurisdictional conflicts related to service whereby sewer extension approvals in these areas are withheld pending resolution). As mentioned before, the interceptor divide boundary was placed west of this area seemingly paving the way for the City of Kaukauna to extend services south of C.T.H. KK. In the meantime the State of Wisconsin modified the annexation statutes prohibiting city annexations into another county unless the Town and County approves the requested annexation. Per the current state statutes the City of Kaukauna would have to get Town of Harrison and Calumet County approval on an annexation request.

Utility mapping provided by the City of Kaukauna showed sewer infrastructure located directly north of the 'triangle' on Lee Drive. Mr. Sundelius indicated the line had sufficient capacity to serve the 'hold status' area. The City had made these downstream investments by over-sizing these sewer mains in anticipation of serving south of C.T.H. KK. Pat Laughrin then asked if a particular supper club, further east, was served by the city. Mr. Sundelius replied that it was not.

Mr. Sprangers stated that the City ran those sewer lines even after knowing that annexations into Calumet County were nearly impossible and that their intentions were politically motivated. Mr. Sprangers also clarified the towns' stance on any perceived growth boundary agreement. The Town would demand access to the Kankapot Creek interceptor sewer which is owned by the City of Kaukauna. Mr. Sundelius responded by stating the sewer extension to CTH KK was planned decades ago with sizing of lines and depth of lines to that point. Additionally, extension to CTH KK was needed to service properties on the north side of CTH KK that petitioned for annexation. Based on a closed session meeting the City decided that any service provision by the City would require an annexation. The Town of Harrison felt further negotiations were pointless. Mayor Rosin, however, made it very clear that the City will not and does not solicit property owners to annex and furthermore most, if not all, incorporated municipalities do not extend services beyond their corporate limits, as a matter of policy. The Kankapot Creek interceptor has been designed to serve areas south of C.T.H. KK, (Calumet County line), and has the potential to serve areas as far south as the Village of Sherwood. To date, according to Mr. Sundelius, the Kankapot Creek interceptor was approximately half a mile from the Calumet County line.

Darboy Sanitary District has no intentions of serving land east of STH 55 that cannot be served by gravity sewers. Despite the fact that the City of Kaukauna has the ability to serve developments east of S.T.H. 55 and south of C.T.H. KK, Pat Laughrin begged the question, "Will the Town of Harrison block future annexation attempts by the City?" The committee asked Mr. Bill Craig, Calumet County Administrator, what the County's position was on this matter. Mr. Craig, speaking from an economic development perspective, stated the jurisdictional component was immaterial and indicated the County was interested in what entity would retain a right to serve the area.

Mr. Wollangk felt strongly that the function of this committee was to focus on the regional aspects of this debate. The 2030 Fox Cities SSA Plan validates the regional approach to this issue and given the fact that City utilities are located in the vicinity makes the City a logical provider of those services. Mr. Ernie Bellin also felt that the City of Kaukauna had more to offer the 'hold area' and moved to lift the hold status for the City of Kaukauna. Mr. Wollangk made the second. It was further clarified that this action does two things; 1) it denies the Darboy amendment request to swap 45 acres that negatively impacted Midwest Properties, Inc. and 2) it lifted the 'hold status' in the triangle and designated it to the City of Kaukauna's service area. There was a roll call vote on this motion with the following results: Aye votes; Bellin, Wollangk, Sanderfoot, Nay votes; Laughrin, Abstaining; Capelle. Motion carried.

7. Approval of the Draft 2007-2008 Community Facilities Committee Meeting Schedule

The draft 2007-2008 meeting scheduled was presented to committee for discussion and after some debate committee accepted the minor changes to that schedule.

8. Other Business

None

9. Next Meeting

It was agreed that the next schedule meeting would be September 12, 2007 at 1:00 P.M.

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