

SUMMARY OF PROCEEDINGS

East Central Wisconsin Regional Planning Commission  
La Sure's Banquet Hall & Catering  
April 27, 2007

- I. **PLEDGE OF ALLEGIANCE**
- II. **MOMENT OF SILENT MEDITATION**
- III. **ROLL CALL**

The meeting of the East Central Wisconsin Regional Planning Commission was called to order by Chair Merlin Gentz at 1:15 P.M. Roll call was taken showing the following attendance:

Commission Members Present

Merlin Gentz .....	Calumet County
Patrick Laughrin .....	Calumet County
Robert "Toby" Paltzer .....	Outagamie County
Clifford Sanderfoot .....	Outagamie County
Tim Hanna .....	Outagamie County
Helen Nagler .....	Outagamie County
Marshal Giese .....	Shawano County
Ken Capelle .....	Shawano County
M. Eugene Zeuske .....	Shawano County
James Laughrin (Alt. for Dick Koeppen) .....	Waupaca County
Paul Mayou (Alt. for Brian Smith) .....	Waupaca County
Robert Danielson .....	Waupaca County
Yvonne Feavel .....	Waushara County
Norman Weiss .....	Waushara County
Neal Strehlow .....	Waushara County
Mark Harris .....	Winnebago County
David Albrecht .....	Winnebago County
Richard Wollangk (Alt. for Frank Tower) .....	Winnebago County
Ernie Bellin .....	Winnebago County
Arden Schroeder .....	Winnebago County
Ken Robl .....	Winnebago County

Commission Members Absent

Clarence Wolf .....	Calumet County
Randy Reiter .....	Menominee County
Brian Kowalkowski .....	Menominee County
Ruth Winter .....	Menominee County
Don Grissman .....	Outagamie County
Bob Lamers .....	Outagamie County
Duane Brown .....	Waupaca County

Staff Members Present

Eric Fowle .....	Executive Director
Walt Raith .....	Assistant Director
Ed Kleckner .....	Associate Planner
Kathy Thunes .....	Associate Planner
Jason Kakatsch .....	Associate Planner
Dave Moesch .....	Associate Planner

Christine Kaup .....	Associate Planner
Melinda Barlow .....	Associate Planner
Joe Huffman .....	Planner
Todd Verboomen .....	Planner
Scott Konkle .....	Reclamation Planning Specialist
Andrew Jennings .....	Planning Specialist II
Adam Pfefferle .....	GIS/Planning Assistant
Mike Patza .....	GIS Assistant
Mike Zuege .....	GIS/Planning Assistant
Melissa Kramer Badtke .....	Planning Specialist I
Vicky Johnson .....	Administrative Coordinator
Angie Cottrell .....	Financial Specialist

Chair Gentz introduced Scott Simmons and Matt Halada from Wisconsin Department of Transportation. Chair Gentz stated that James Laughrin was attending the meeting as Dick Koeppen's alternate. Mr. Fowle introduced John Nordbo from the Wisconsin Department of Transportation.

**IV. APPROVAL OF AGENDA**

Mr. Wollangk moved to approve the agenda, seconded by Mr. Paltzer. The motion passed unanimously.

**V. MINUTES OF THE JANUARY 26, 2007 MEETING**

Mr. Wollangk motioned to approve the minutes of the January 26, 2007, meeting, seconded by Mr. Paltzer. The motion passed unanimously.

**VI. ANNOUNCEMENTS**

Due to the inclement weather, Mr. Fowle asked if the Commissioners wished to participate in the tour that is scheduled after the Annual Meeting. With the majority of Commissioners declining to participate, the tour was cancelled.

**A. Commissioner News**

Mr. Fowle reminded the Commissioners, for their review, articles related to the Commission that have appeared in the newspapers this quarter are included in their packets.

**B. WLIA Poster Awards**

Mr. Fowle stated that at the Wisconsin Land Information Association Conference this year, staff participated in the poster competition and was awarded two second place ribbons.

**C. Presentation by Scott Simmons, Wisconsin Department of Transportation, on the 6-Year Highway Program**

Matt Halada, a Transportation Planner with the Green Bay Office, introduced himself to the Commission and explained that on April 5<sup>th</sup> WisDOT's 6-year program was formally presented for the northeast region. He stated Scott Simmons would be presenting this 6-year program to the Commission.

Mr. Simmons stated that every other year a public meeting is held to obtain input for the 6-year program, comments on projects in the program and projects that should be added

to the program. Mr. Simmons explained the process and factors of projects that are assessed in the program.

Mr. Simmons answered transportation questions the Commissioners had and reiterated that there were comment forms and informational handouts on the table which may be helpful to them with some of their concerns.

## VII. **BUSINESS**

### A. Steering Committee

1. Acceptance of the Summary of Proceedings for the March 9, 2007 meeting.

Mr. Weiss moved to accept the Summary of Proceedings from the Steering Committee meetings. The motion was seconded by Mr. Sanderfoot and passed unanimously.

2. Approval of the CY 2006 Audit Report

Mr. Fowle stated that the Audit Report was presented and approved by the Steering Committee. He highlighted the key points for the Commissioners. He referred to the Management Letter, under the heading of comments and observations, that was included with the Audit. In calendar year 2006, there was a decline in assets, (assets being furnishings, computers, cash in hand, account receivables). The net assets are about \$6,000. Mr. Fowle noted that the decline in assets was well entrenched before he became Executive Director, and he has been working diligently to improve the situation. The Audit acknowledges that local contracts decreased by \$13,000 from the previous year and expenditures increased. Changes have been made in the past, and will continue to be made on the expenditures. Staff has already been reduced due to departures and retirements. He and the Steering Committee will be looking at where reductions/changes can be made in the budget.

Mr. Fowle explained that part of the increase in expenditures for 2006, approximately \$40,000, is due to the elimination of the "in lieu of policy" for health insurance. Also a large amount of staff leave time had to be taken (sick and vacation time) which added to the indirect expenditures.

Mr. Fowle referred to page 13 of the Audit Report. Even though there was a decline in assets and an operating loss, expenses are relatively close to what was anticipated - \$17,000 over what was estimated. The greatest loss shows up in the "local districts" category, essentially contract revenues. Mr. Fowle explained that the Commission has quite a bit of competition as far as contract type of projects. Prior to Smart Growth legislation the RPCs were the main entity doing land management plans, but since the smart growth legislation, the consulting world geared up for it and now the Commission has to compete with them directly or indirectly. Steering Committee has discussed the appropriateness of a government entity competing against the private sector on a project and as a result the Commission recently excused itself from one project.

Mr. Fowle stated that a budget amendment was approved at the end of 2006 for an additional \$89,000 from DOT, and he was under the assumption that that money would be integrated into the 2006 budget to cover loss of local contract monies, where in fact it will be integrated into the 2007. Mr. Fowle explained that even if the Commission contracted for additional local work last year, it would have been impossible to complete the work with the present number of staff and the backlog of projects the Commission had. He noted that by looking at the numbers that part of the losses can be equated to staff time being spent on completing projects that had no funds left. There is no revenue being generated

on those projects and it also takes staff time away from other projects which had sources of revenue.

Mr. Fowle stressed that he wanted the Commissioners to be informed of the budget status including where the monies come from and where they go and how that reflects in what we do as a Commission, how much time is focused on regional projects and issues, and how many local contracts or how much technical assistance is done. These items will need to be better balanced in the future.

Mr. Sanderfoot moved to approve the 2006 Audit Report, seconded by Mr. Albrecht. Motion passed unanimously.

3. 1<sup>st</sup> Quarter, 2007 Financial Report

Mr. Fowle referred to the handout entitled Income Statement, which is a quick view of the first quarter. The total revenue for the first quarter was \$914,000 which reflects quarterly payments from the counties. It does not reflect the \$126,000 that was billed, but not yet received. He indicated that the handout also shows the Commission's assets from a cash and receivable standpoint and as of 4/26 the balance was \$525,000. Mr. Fowle noted that there will be a transition in the formatting of the financial report to better define which monies are distributed to which categories so that it can be better compared to the audit reports.

4. Local Contracts Update

Mr. Fowle indicated that the handout labeled Table 5 – Local Contract Summary shows the status of ongoing contracts. He stated that the Commission has one new potential contract for 2007 – Menominee County's Smart Growth Plan. The Commission will be focusing on additional contract opportunities for 2007.

5. Approval of Letter of Intent for Gilbert Paper Office Space Report

Mr. Fowle stated the Commission is still committed to the Gilbert Paper office space project, the City of Menasha and the developer, Randy Stadtmueller. The Steering Committee has approved and forwarded the Letter of Intent to the full Commission. This letter mirrors the original Letter of Intent for the Boilerhouse Project; the only change is a new building versus a renovated building. He noted that there was a set of preliminary drawings of the intended building and office layout included in the packet. Mr. Fowle indicated that this facility will have an additional 1,000 square feet with a cost of approximately \$12,000 per year or \$1.00 per foot per year. He is in the process of finalizing the lease agreement with Mr. Stadtmueller.

Mr. Fowle requested a recommendation from the Commissioners for the approval of the Letter of Intent for this project.

Ms. Nagler asked if occupancy date has been set. Mr. Fowle indicated a March, 2008 date is anticipated.

Ms. Feavel moved to approve the Letter of Intent, seconded by Mr. Paltzer. Motion passed unanimously.

B. Economic Development Committee

1. Chairman's Report.

2. Acceptance of the Summary of Proceedings for the April 18, 2007 meeting.

Mr. Giese moved to accept the Chairman's Report and the Summary of Proceedings, seconded by Mr. Robl. Motion passed unanimously.

3. Proposed Resolution No. 01-07: **In Support of Revision on Repeal of the Newark Decision Property Tax Exemption (Section 70.11(21), Wisconsin State Statutes.**

Mr. Kleckner noted that this legislation was brought to the Commission's attention by Winnebago County Executive, Mark Harris. Mr. Kleckner explained that there is a 1953 State Law that provides a tax exemption for businesses that were providing pollution abatement facilities. A New Jersey corporation who owns several paper companies in Wisconsin and their attorney recognize that this law could be used to remove some significant properties from the tax rolls. The Wisconsin Department of Revenue challenged the Newark, New Jersey corporation. The State lost the court case, and these properties (located in the Milwaukee area) were able to become tax exempt. This decision has prompted other companies to take note. With the significant paper companies in the East Central region, the counties could lose substantial tax base.

Mr. Harris explained that the 1953 Statute outlined the classes of properties that were exempt from property taxes. Paragraph 21 which talked about pollution abatement facilities had language inserted that stated that pollution included sawdust, woodchips and paper residue. That stayed dormant until 2004 when Newark recognized that the recipe for paper treats pulp as a waste so that the facility is a pollution abatement facility and therefore tax exempt. Mr. Harris noted that the paper industry and other industries that recycle raw materials in their plants could be entitled to a tax exemption. He indicated that there are 42 counties in the State that could be affected by this court case decision.

Mr. Harris stated that if legislature moves quickly to block this decision, it will stop other industries from become tax exempt, but the local governments will have to make up the monies lost during the period of time before the loophole is closed. Mr. Harris recommended that the Commissioners adopted Proposed Resolution No. 01-07 supporting legislation to close the tax exemption loophole.

Mr. Zeuske moved to adopt Proposed Resolution No. 01-07, seconded by Mr. Weiss, passing unanimously.

#### C. Open Space and Environmental Management Committee

1. Chairman's Report.
2. Acceptance of the Summary of Proceedings for the April 18, 2007 meeting.

Mr. Albrecht said the Chairman's Report and the Summary of Proceedings for the April 18, 2007 meeting was in the packet and moved for acceptance of them. The motion was seconded by Mr. Wollangk and passed unanimously.

#### D. Community Facilities Committee

1. Chairman's Report.
2. Acceptance of the Summary of Proceedings for the March 14, 2007 meeting.

Mr. Sanderfoot moved for acceptance of the Chairman's Report and the Summary of Proceedings for the Community Facilities Committee, seconded by Mr. Albrecht. Motion passed unanimously.

3. Proposed Resolution No. 07-07: **Approving the Updated Wautoma/Silver Lake 2030 Sewer Service Area Plan**

Mr. Verboomen stated that the plan adds 570 acres to the sewer service area; 306 acres are considered vacant developable lands. He indicated that a large map of the area was located on a table in the back of the room for review. Mr. Verboomen noted that community officials provide support during the process. During the public comment period, no comments were received.

Mr. Bellin moved for adoption of proposed Resolution No. 07-07, seconded by Mr. Wollangk. Motion passed unanimously.

E. Transportation Committee

1. Chairman's Report.

2. Acceptance of the Summary of Proceedings for the April 10, 2007 meeting.

Mr. Giese moved for acceptance of the Chairman's Report and the Summary of Proceedings for the April 10, 2007 meeting. The motion was seconded by Mr. Schroeder and passed unanimously.

4. WisDOT Safe Routes to School (SRTS) Grant Program – Melissa Kraemer-Badtke

Ms. Kraemer-Badtke explained that the Safe Routes to School Program (SRTS) was created under the SAFETEA-LU bill. The SRTS Program encourages school districts and communities to provide safe biking and walking routes to the school for students K through 8. She noted that major concerns are childhood obesity, and congestion around the schools due to dropping off and picking up of students. WisDOT has received approximately 8 million dollars for this program for the next two years, with \$200,000 being designated for the planning grants and approximately 2 million dollars in infrastructure and non-infrastructure grants this year. Ms. Kraemer-Badtke indicated that communities and school districts are encouraged to have a safe route to school plan or an assessment of the area near the school in place before applying for funds to make improvements. Ms. Kramer-Badtke explained that the communities or school districts applying for a planning grant have the option of working with a statewide consultant or with the MPO or RPC on their SRTS Plan. She stated that five communities have requested the Commission to assist with their SRTS Plans: Kimberly Area School District, the City of New London, the Village of Little Chute, Iola-Scandinavia School District, and the Winneconne School District. There were also two infrastructure grants submitted: Sunrise and Woodland Elementary Schools Walking Path Project and the CTH CE Underpass Project.

5. Proposed Resolution No. 04-07: **Adoption of the Metropolitan Planning Organization (MPO), Public Participation Plan for the Fox Cities (Appleton) and Oshkosh Urbanized Areas**

Mr. Raith explained in the process of amending/updating the long-range plans to meet the SAFETEA-LU requirements, a public participation plan needs to be developed in consultation with environmental and land regulatory agencies. Mr. Raith noted that the agencies comment on how well the Commission does at making the public aware of the

plan and gives suggestions for improvements to the Public Participation Plan. The purpose of the Public Participation Plan is to make sure that anyone and everyone interested in planning has a chance to comment on the long-range plan.

Mr. Schroeder moved to adopt Proposed Resolution No. 04-07, seconded by Mr. Wollangk. Motion passed unanimously.

6. Proposed Resolution No. 05-07: **Renewing the Memorandum of Agreement with the Fond du Lac Metropolitan Planning Organization (MPO) for Transportation Planning and Programming Functions**

Mr. Raith stated that the City of Fond du Lac became a MPO in 2000 when the U.S. Census determined that the population was greater than 50,000. He noted that because of the Commission's experience with the Fox Cities and Oshkosh MPOs, the Commission was selected to provide staffing requirements to the Fond du Lac MPO. Mr. Raith explained that this agreement to provide staffing requirements to the MPO is renewed every five years. Mr. Raith noted that while Fond du Lac County is not a member, the City of Fond du Lac, the Village of North Fond du Lac, and the surrounding towns that comprise the MPO, have been members for many years. He pointed out that this arrangement gives the Commission an opportunity to enhance its regional planning capabilities.

Mr. Weiss moved to adopt Proposed Resolution No. 05-07, seconded by Mr. Strehlow. Motion passed unanimously.

7. Proposed Resolution No. 06-07: **Requesting Fox Cities Area State Legislators to Support a Statewide Regional Transit Authority (RTA) Enabling Proposal Drafted by the Wisconsin Alliance of Cities**

Mr. Kakatsch stated that the future of public transportation in the State of Wisconsin is in financial danger. Mr. Kakatsch explained that once the Fox Cities (Appleton) urbanized area exceeds 200,000 in population, it will be designated as a Transportation Management Area (TMA) and will be under slightly different planning and funding regulations. TMAs lose significant federal operating funds. The federal government states that a system of this size has the volume to generate these funds locally. Mr. Kakatsch indicated that in one scenario Valley Transit would lose up to 1.5 million dollars of the federal operating funds from their annual budget. The Green Bay Transit System will be in this same situation. The loss of federal operating funds by both systems will affect the funding allocations received by all of the transit systems in the state.

Mr. Kakatsch stated that the Fox Cities Area Regional Transit Authority (RTA) Study Committee has met since March 2006 to examine options. Options discussed by this Committee for this financial crisis were to secure additional funds for local entities, even though budgets are tight, cut services, increase fares or seek policy change. There are two federal bills in the works that could make systems with a 100 vehicles or less exempt from the loss of federal funds if passed. Another option is to have the ability to formulate a Regional Transit Authority to generate local revenues. He noted that Wisconsin is the only State in the Midwest that does not have this option. The Committee has been working with the Wisconsin Alliance of Cities, who drafted a proposal which would allow for RTAs to be formulated exclusively for mass transit. Mr. Kakatsch explained that the proposal would give a lot of decision making capabilities to the local units of government. It would allow an RTA to consist of one single municipality or a combination of municipalities and it is also broad enough in scale to give a rural county the opportunity to develop an RTA to generate revenues for specialized

transportation services. The RTA can be established through an authorizing resolution with a number of options for approving that resolution. It could occur through a majority of a vote, through the legislative body with a two-thirds vote or approved through a public referendum. The most controversial option of the proposal is the ability of the RTA to impose up to a one-half cent sales tax to generate revenue.

Mr. Kakatsch indicated that this proposal was unanimously supported by the Study Committee on March 6, 2007. A meeting was held on April 9, 2007 where Fox Cities legislators were invited to examine the proposal and comment. There was a lot of positive feedback from the state legislators. They encouraged the Wisconsin Alliance of Cities to draft a legislative bill for examination by the Joint Committee of Finance in regards to allowing entities to formulate an RTA. A proposed bill would need to be passed by the State Legislature. Mr. Kakatsch explained the Commission's involvement in this issue is due to the fact that the Commission is the MPO for the Fox Cities urbanized area, that it was a recommendation in the Long-Range Transportation Plan which was approved by the Commission in October 2005, and that it is going to be a significant issue in the transit development plan for Valley Transit which East Central will have the lead role in.

Mr. Kakatsch stated Proposed Resolution No. 06-07 encourages State Legislators to support the Wisconsin Alliance of Cities statewide RTA proposal which would enable the option of forming an RTA by units of government that need or want to use a local sales tax to generate revenues for public transportation.

Mr. Hanna moved to adopt Proposed Resolution No. 06-07, seconded by Mr. Paltzer.

A discussion followed concerning public transportation, the usage by individuals, the service provided by the system for the handicapped and elderly, ways to change the perception of the system and encourage more people to use the system.

Ms. Nagler expressed her concerns regarding the option that the RTA would have the ability to impose up to a one-half cent sales tax to generate revenue. Mr. Hanna explained the need and advantages to having an RTA.

A brief discussion followed. Ms. Nagler recommended that in Proposed Resolution No. 06-07, the seventh paragraph the word "body" should be changed to "bodies" to reflect more than one legislative body involved. Chair Gentz stated that if there were no objections to the verbiage, change by consensus would rule. There were no objections.

Ms. Nagler moved to amend Proposed Resolution No. 06-07 to read that the RTA have the ability to impose a local sales tax of only one tenth of a cent instead of up to one-half of a cent. The amendment failed for lack of a second.

Mr. Harris reiterated the advantages to adopting Proposed Resolution No. 06-07 and moving forward to contact the legislators involved to pursue the legislation for an RTA.

Motion to adopt Proposed Resolution No. 06-07 passed with two nays (Ms. Nagler and Mr. Strehlow).

Mr. Albrecht motioned to have the Commission also send a letter to the Federal legislators in support of federal legislation which would make transit systems with less than 100 operating vehicles which exceed the 200,000 population threshold exempt from the loss of federal operating assistance, seconded by Mr. Harris. Passed unanimously. Mr. Kakatsch confirmed he would submit these letters.

8. Proposed Resolution No. 8-07: **Amending the Transportation Improvement Program for the Fox Cities (Appleton) and Oshkosh Urbanized Areas, 2007**

Mr. Moesch stated the Transportation Improvement Program, 2007 was adopted in July, 2006. Proposed Resolution No. 08-07 is a two part amendment resolution – to include Safe Routes to School projects and to recommend shifting the City of Oshkosh funding from Main Street (New York to Murdock) and the W. New York Avenue (Jackson to Algoma Blvd) project to the CTH Y project in the Town of Oshkosh.

Mr. Robl motioned to adopt Proposed Resolution No. 08-07, seconded by Mr. Albrecht. Motion passed unanimously.

9. Proposed Resolution No. 09-07: **Recommending the STP-Urban (2010-2011) Projects for the Fox Cities (Appleton) and Oshkosh Urbanized Areas.**

Mr. Moesch explained Proposed Resolution No. 09-07 recommends STP-Urban projects for 2010-2011. The projects recommended are CTH A (CTH00 – Wisconsin Avenue) in Outagamie County and Main Street (New York to Murdock) and the W. New York Avenue (Jackson to Algoma Blvd.) in Oshkosh, Winnebago County.

Mr. Wollangk moved for adoption of Proposed Resolution No. 09-07, seconded by Mr. Schroeder. Motion passed unanimously.

F. Regional Comprehensive Planning Committee

1. Chairman's Report

Mr. Weiss moved for adoption of the Chairman's Report, seconded by Mr. Bellin, passing unanimously.

**OTHER BUSINESS**

A. Nominating Committee Report and Recommendations

Mr. Sanderfoot stated that the Nominating Committee recommended Merlin Gentz, Calumet County for Chair and Brian Kowalkowski, Menominee County for Vice-Chair for one year terms.

Mr. Hanna motioned to approve the recommendations of the Nominating Committee, seconded by Mr. Paltzer. Motion passed unanimously.

VIII. **ESTABLISH TIME AND PLACE FOR NEXT COMMISSION MEETING**

Location of the next Quarterly Meeting will be at the Wautoma World War II Memorial Museum on July 27, 2007 at 10:00 A.M.

IX. **ADJOURNMENT**

Mr. Wollangk moved for adjournment, seconded by Mr. Bellin. Motion passed unanimously. Meeting adjourned at 3:05 P.M.