MEETING NOTICE
COMMUNITY FACILITIES COMMITTEE

COMMITTEE MEMBERS: Ernie Bellin (Chair), Tim Hanna (Vice-Chair), Chuck Hornung, Tom Kautza, Brenda Schneider

DATE: Wednesday March 13, 2019
TIME: 10:00 a.m.
PLACE: East Central Wisconsin Regional Planning Commission, 400 Ahnaip Street, Suite 100, Menasha, WI 54952

Please contact the East Central office if you are unable to attend and arrange for an alternate to be present.

AGENDA

1) Welcome & Introduction

2) Statement of Compliance with Wis. Stats. Ch. 19, Subchapter V, Sec. 19.84 Open Meetings

3) Pledge of Allegiance

4) Approval of Agenda / Motion to Deviate

5) Approval of January 9, 2019 Summary of Proceedings (Attachment #1)

6) Public/Guest Comment

7) Announcements & Events
   a) April 26, 2019 – ECWRPC Mini-Conference - Autonomous & Connected Vehicles at Retlaw Hotel, City of Fond du Lac (8:00 a.m.)
   a) April 26, 2019 – ECWRPC Quarterly/Annual Commission Meetings at Retlaw Hotel, City of Fond du Lac (1:15 p.m.)

2) Action Items
   a) Village of Fox Crossing SSA Swap Amendment Request (Attachment #2)

- OVER -
3) Program/Project Updates and Discussion
   a) Update on Town of Clayton & WDNR Settlement Agreement Matters / Correspondence (Attachment #3)
   b) Update on Fox Cities SSA Plan Update / Project Schedule
4) ECWRPC Steering Committee Report
5) Roundtable Discussion/Sharing on County/Local Issues & Activities
6) Next Meeting: June 12, 2019
7) Adjourn

Any person wishing to attend this meeting or hearing, who, because of a disability, requires special accommodations should contact the East Central Wisconsin Regional Planning Commission at (920) 751-4770 at least three business days prior to the meeting or hearing so that arrangements, within reason, can be made.
1. Welcome & Introductions

   Mr. Bellin called the meeting to order at 10:01 a.m. Everyone was welcomed and introductions were made.

2. Statement of Compliance with Wis. Stats. Ch. 19, Subchapter V, Sec. 19.84 Open Meetings

   The open meeting law was recognized.

3. Pledge of Allegiance

   The Pledge of Allegiance was recited and a moment of silence was observed.
4. Approval of Agenda

A motion to deviate from the agenda to hear public comments before approving the October 26, 2018 and December 12, 2018 Community Facilities Summary of Proceedings (SOP) was made by Mr. Kautza. The motion was second by Mr. Hornung. Motion Carried.

5. Public/Guest Comment

Mr. Geise, Town of Clayton, wanted to correct statements in the December 12, 2018 SOP’s related to the Village of Fox Crossing’s willingness to serve the Town of Clayton.

Mr. Sturgell, Village of Fox Crossing Administrator provided clarification to statements in the December 12, 2018 SOP’s.

6. Approval of October 26, 2018 and December 12, 2018 Summary of Proceedings

Ms. Schneider said she had not heard any glaring errors in the December 12, 2018 SOP’s, only clarifications. Because she is not aware of any inaccuracies of the SOP’s, she made a motion to approve the SOP’s as distributed. A second from Mr. Kautza, followed by a short discussion where Mr. Kautza agreed that errors were not discussed, only more clarification and position statements. Ms. Schneider reminded the audience that detailed public comments are not required to be in the meeting minutes. The Motion carried.

7) Announcements & Events

a) January 25, 2019 – ECWRPC Qtly. Meeting at Marriott Hotel, Appleton Riverfront
b) April, 2019 – Smart Mgt. for Small Water Systems Training
c) April 25, 2019 – ECWRPC Mini-conference – Autonomous & Connected Vehicles

Mr. Fowle provided the Committee members with various updates.

8) Action Items: Approval of the 2019 Work Program & Budget - 1200 Program Element: Sustainable and Efficient Community Services & Facilities

Mr. Fowle provided an overview of the 2019 Work Program and Budget for the 1200 Program. A motion was made by Mr. Kautza to approve the 1200 Work Element. The motion was second by Ms. Schneider. Motion carried.

9) Program/Project Updates and Discussion

a) Updates on Potential/Pending SSA Amendments

Mr. Fowle discussed a proposed SSA Amendment for the Village of Fox Crossing. Staff will work with the Village of Fox Crossing and will present the SSA Amendment request at the next CFC meeting.
b) Update on Town of Clayton / WDNR Settlement Agreement Review by Attorney

Mr. Fowle discussed the Commission’s attempts to hire legal counsel regarding the Town of Clayton/WDNR settlement.

10) ECWRPC Steering Committee Report

Mr. Fowle provided an update on current issues the Steering Committee are discussing and moving forward with.

11) Roundtable Discussion/Sharing on County/Local Issues & Activities

No discussion.

12) Next Meeting: March 13, 2019

13) Adjourn

A motion was made by Mr. Kautza to adjourn. The motion was second by Ms. Schneider. Motion Carried, meeting adjourned at 10:30 a.m.
MEMORANDUM

DATE: February 27, 2019

TO: Community Facilities Committee Members

FROM: Todd Verboomen – Associate Environmental Planner

RE: Grand Chute – Menasha West SSA Amendment Request, Track No. 158

The Village of Fox Crossing has submitted an application to amend the 2030 Grand Chute – Menasha West Sewer Service Area (SSA). This amendment request proposes to amend the SSA boundary to accommodate development plans within the Village limits west of Clayton Avenue and south of East Shady Lane. This proposed amendment is being brought under Policy I, A (Swap). The use of the amendment policy provides communities the flexibility to proceed with infrastructure projects in a timely fashion. This procedure allows the Village to install planned sewer infrastructure while working with East Central on the 2040 Grand Chute – Menasha West Sewer Service Area plan update.

The proposed SSA amendment request is due to development interests in this area. The proposed SSA boundary amendment would encompass a total of approximately 75 acres. The Swap amendment request removes approximately 74 acres from within the existing 2030 SSA boundary. The Village’s future land use lists this area as non-irrigated cropland which is considered to become single-family residential use.

<table>
<thead>
<tr>
<th>Grand Chute – Menasha West SSA Track 158</th>
<th>Added</th>
<th>Removal</th>
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</thead>
<tbody>
<tr>
<td>LU</td>
<td>Acres</td>
<td>Acres</td>
</tr>
<tr>
<td>Developed</td>
<td>0</td>
<td>0.4</td>
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<tr>
<td>Undeveloped</td>
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<td>ESA - 75 Foot Stream Buffer</td>
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<tr>
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<td>0.1</td>
<td>0.1</td>
</tr>
<tr>
<td>Wetland</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>ESA - 50 Foot Wetland Buffer</td>
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<td>2.7</td>
</tr>
<tr>
<td>Total</td>
<td>74.9</td>
<td>73.9</td>
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Based on the review of this amendment submittal staff would recommend approval of this sewer Swap amendment request. The information supplied by the applicant has been thorough and complete with regard to amendment criteria.
December 17, 2018

Eric Fowle  
Executive Director  
East Central WI Regional Planning Commission  
400 Anhaip St., Suite 100  
Menasha, WI 54952

RE: Sewer Service Area Amendment for Village of Fox Crossing

Mr. Fowle:

Please accept this letter and application as a formal request to amend the Fox West 2030 Sewer Service Area Boundary by swapping approximately 78 +/- acres of land currently designated for sewer service with lands not currently within the 2030 SSA boundary per the attached map. The swap request is necessitated by development interests in the area being proposed to be added into the SSA boundary. The area proposed to be added is entirely within the Village of Fox Crossing limits. The areas proposed to be swapped out are also within the Village limits and are owned by the Village. There is no development interest in this land nor does the Village anticipate any interest in the near future. This amendment is consistent with the Village’s Comprehensive Plan, which was adopted in July of 2018.

The Village intends to service the extended area with an 18” Sewer Main and a 16” Water Main located adjacent to the land proposed to be added to the SSA boundaries. Engineering analysis has determined that the Sewer and Water Mains are sufficient in size to provide service for the proposed area along with future expansion and development within the Village of Fox Crossing. The Fox West Regional Waste Water Treatment Plant has sufficient capacity for expansion with a maximum daily design flow of 25.4 MGD and a current daily average flow of 8.92 MGD, which leaves 16.48 MGD in capacity to accommodate future development from the area being proposed within the SSA boundaries.

Please place this request on the next available Community Facilities Committee agenda.

If you have any questions, please contact me at 920-720-7105.

Sincerely,

Ria Hull  
Associate Planner

Cc:  Todd Verboomen, Associate Environmental Planner, ECWRPC  
     Jeffrey Sturgell, Village Manager, Fox Crossing  
     George Dearborn, Director of Community Development, Fox Crossing
January 14, 2019

Marvin Paul Etten Jr.
210 Rainbow Ln.
Wausau, WI 54401

RE: Sewer Service Area Amendment for Village of Fox Crossing

Mr. Etten:

Please be advised that the Village of Fox Crossing is proposing to amend the Fox West 2030 Sewer Service Area (SSA) Boundary by swapping areas currently designated for sewer service with lands not currently within the 2030 SSA boundary, per the attached map. The swap request is necessitated by development interests in the area being proposed to be added into the SSA boundary.

Your property is being included in the boundary change at this time only because there is no anticipation for development requiring sewer service extension to your property in the near future. Should conditions change necessitating the need to service your property in the future, the Village can again request to amend the SSA boundaries. The boundary change is only being proposed at this time to accommodate impending development not envisioned when the SSA boundaries were adopted and is not a statement of the future viability of development on your property. The Fox West SSA is approved by the East Central Wisconsin Regional Planning Commission (ECWRPC) for a limited amount of land to be included in the SSA. Thus, changes are made from time to time to accommodate present development demand, as is currently the case.

The SSA amendment will be placed on the ECWRPC Community Facilities Committee meeting on March 13, 2019. Please call ECWRPC at 920-751-4770 or check their website (www.ecwrpc.org) for more information about the meeting.

If you have any questions, please contact me at 920-720-7105.

Sincerely,

Ria Hull
Associate Planner

Cc: Todd Verboomen, Associate Environmental Planner, ECWRPC
    Jeffrey Sturgell, Village Manager, Fox Crossing
    George Dearborn, Director of Community Development, Fox Crossing
Mr. Eric W. Fowle, Executive Director  
ECWRPC  
400 Ahnaip St, Suite 100  
Menasha, WI 54952

RE: Town of Clayton Sewer Service

Dear Mr. Fowle:

The Fox West Regional Sewerage Commission (FWRSC) recently discussed the Nov 13, 2018 Post-Crescent Article regarding an Agreement between the City of Appleton and the Town of Clayton for Sewer & Water Services.

As you are aware, the Projected Areas for Development are in the Commission’s 2050 Planning Area, the Village of Fox Crossing’s West-Side Interceptor stands ready to Service these Areas, and the Commission’s Facilities have the available Capacity to Treat these Projected Wastes. Unlike every other POTW in the Fox Cities, our Facility effectively Treated all of 2018’s Severe Wet-Weather Events without Bypass or Incident.

The Commission has evaluated Clayton’s requested Capacity and has provided the Town of Clayton with projected Buy-In Costs to our Facility. All that remains to Service these Areas is an Agreement between the Village of Fox Crossing and the Town of Clayton.

The Commission firmly believes that the most Cost-Effective means of Servicing the east-side of Clayton is via Fox Crossing’s Pipes & the Fox West Regional Facility. In order to protect massive Local Investments and support the Public’s Interest, the Commission will vigorously contest any effort to remove the Areas from our 2050 Planning Area.

Respectfully,

James R. Kirk, Superintendent  
FOX WEST REGIONAL SEWERAGE COMMISSION

JK:jb
February 11, 2019

Richard Johnston, Administrator/Clerk
Town of Clayton Sanitary District No. 1
8348 County Road T
Larsen, WI 54947

Subject: Approval of wastewater collection system, storage, and truck loading system

Dear Mr. Johnston:

The Department of Natural Resources (department) is conditionally approving plans and specifications for a wastewater collection system, storage, and truck loading system in the Town of Clayton, Wisconsin, submitted under the seal of Justin J. Keen, Professional Engineer, Cedar Corporation, Green Bay, Wisconsin, and received for approval on November 5, 2018. Time extensions totaling 16 days were granted to extend the department’s 90-day statutory review period.

The wastewater collection system, storage, and truck loading system will be installed in the eastern portion of the Town. The storage tanks and loading station will be constructed southwest of the intersection of Shady Lane and Clayton Avenue.

The plans and specifications and other reports on file with the department were used by the department as the basis for conditional approval.

The plans and specifications are hereby approved in accordance with s. 281.41, Wis. Stats., under approval Number S-2018-0760, subject to the following conditions:

1. That the District meet all applicable terms and conditions set forth in the Stipulation and Final Order entered into by the department and the District to resolve the Town of Clayton Sanitary District No. 1 v. Wisconsin Department of Natural Resources, Winnebago County Circuit Court, Case No. 17-CV-0381.

2. That the District obtain ready access to a portable pump of adequate capacity to serve lift station number two, in accordance with the station’s design and requirements for emergency operation under s. NR 110.14(12)(b)4., Wis. Adm. Code.

3. That a preconstruction conference be held to familiarize the construction contractor(s) and resident inspector(s) with the erosion control and dewatering requirements and all other provisions and conditions of the approved plans and specifications.

4. That a competent resident inspector be provided during the course of construction.

5. That erosion control methods be used to prevent siltation to lands and waterways adjoining the construction area. These methods shall include but not be limited to the following:
   a. Siltation fences,
b. Trench stabilization, and

c. Immediate mulching and seeding.

6. That this department is notified when construction commences and again when the approved facilities are placed in operation. Please notify Roy Van Gheem, wastewater engineer in the department's Green Bay Office.

7. That all storm and other clear water including that from sump pumps, roof drains, cistern overflows, and building foundation drains be excluded from these approved sanitary sewers, that street and building sewers be laid in such a manner as to minimize entrance of groundwater (s. SPS 382.36 (3) (c) 1., Wis. Adm. Code), and that the building sewers and drains be installed to conform to the state plumbing regulations (s. SPS 382.30, Wis. Adm. Code).

8. That if permits under ch. 30, Wis. Stats., are required that no construction begin until such permits are obtained. Information to determine your need for a ch. 30, Wis. Stats., permit can be found at the department web page for waterways and wetlands permits (dnr.wi.gov/waterways/index.html).

9. That an acceptable operation and maintenance manual, or a manual revision or addendum, be prepared for the approved facilities.

10. That a properly certified operator, as required by s. NR 114, Wis. Adm. Code, be retained prior to the start of operation of the wastewater collection system, storage, and truck loading system.

11. That a minimum horizontal distance of 8 feet be maintained between existing or proposed water mains and existing or proposed sewers.

12. That a minimum horizontal distance of 8 feet be maintained between fire hydrants and sanitary sewers or storm sewer inlets.

13. That wherever water mains cross over sewers a minimum vertical clearance of 6 inches be maintained, and that wherever water mains cross under sewers a minimum vertical clearance of 18 inches be maintained, and that at crossings one full length of water pipe be centered on the sewer so that both joints are as far from the sewer as possible.

14. That sufficient earth cover or other suitable cover be provided over the sewers to prevent freezing.

15. That in the event basement drainage to the proposed sewers is not possible for existing buildings, the owner be so advised, in writing, prior to construction of the sewers.

16. That the groundwater infiltration rate for the sanitary sewers not exceed 200 gallons per inch of pipe diameter per mile per day.

17. That outside drops be constructed for sewers entering manholes where the invert elevation of the entering sewer is 24 inches or more above the spring line of the outgoing sewer.

18. That the sewers and manholes located in the flood plain be floodproofed in accordance with ch. NR 116, Wis. Adm. Code, Wisconsin's Flood Plain Management Program.

19. That all necessary permits for dewatering activities associated with the proposed construction be obtained prior to start of construction. In instances of contaminated groundwater, these permits may require treatment and monitoring of the dewatering discharge for various organic and other chemicals.
20. That the improvements be installed in accordance with the plans and specifications, and the above conditions, or subsequent essential and approved modifications.

The department has the authority under s. 281.19(1), Wis. Stats., to adopt rules for the construction, installation, use, and operation of sewerage systems. Chapters NR 108 and 110, Wis. Adm. Code, have been adopted by the department pursuant to this statutory authority. The department has the authority to approve, conditionally approve, or deny plans under s. 281.41, Wis. Stats.

This approval is not to be construed as a department determination on the issuance of a Wisconsin Pollutant Discharge Elimination System (WPDES) permit or an opinion as to the ability of the proposed system to comply with effluent limitations in such a permit.

Tangible personal property, which becomes a part of a waste treatment or pollution abatement plant or equipment, may be exempt from property and sales tax under ss. 70.11(21) and 77.54(26), Wis. Stats. A prerequisite to exemption under this subsection is the filing of a statement on forms prescribed by the Department of Revenue. The forms and instructions may be obtained from the Department of Revenue, Manufacturing and Telco Assessment Bureau, P.O. Box 8933, Madison, Wisconsin 53708-8933.

The plans and specifications have been reviewed in accordance with s. 281.41, Wis. Stats., for compliance with chs. NR 108 and 110, Wis. Adm. Code (or any other applicable section of the Wisconsin Administrative Code or Statutes which may be specifically referenced in the conditions above). This letter should not be construed as an approval for activities requiring approval under other Statutes or by other federal, state or local agencies.

The department reserves the right to order changes or additions should conditions arise making this necessary.

If you believe that you have a right to challenge this decision, you should know that the Wisconsin statutes and administrative rules establish time periods within which requests to review department decisions must be filed. For judicial review of a decision pursuant to ss. 227.52 and 227.53, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to file your petition with the appropriate circuit court and serve the petition on the department. Such a petition for judicial review must name the department of Natural Resources as the respondent.

To request a contested case hearing pursuant to s. 227.42, Wis. Stats., you have 30 days after the decision is mailed, or otherwise served by the department, to serve a petition for hearing on the Secretary of the Department of Natural Resources. All requests for contested case hearings must be made in accordance with s. NR 2.05(5), Wis. Adm. Code, and served on the Secretary in accordance with s. NR 2.03, Wis. Adm. Code. The filing of a request for a contested case hearing does not extend the 30 day period for filing a petition for judicial review.
In case construction of this improvement has not commenced or contracts awarded to complete this improvement within two years from this date, this approval shall become void. After two years a new application and plan submittal must be made and approval obtained of this or other plans before any construction work is undertaken.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES
For the Secretary

Jason R. Knutson, P.E.
Wastewater Section Chief
Bureau of Water Quality

Andrew Dutcher
Wastewater Engineer
Bureau of Water Quality

e-cc:
Justin J. Keen - Cedar Corporation
Dennis Steigenberger - Cedar Corporation
Lawrie Kobza - Boardman & Clark LLP
Lorraine Stoltzfus - Wisconsin Dept. of Justice
Roy Van Gheem – Green Bay
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