

**FINAL
MINUTES
ENVIRONMENTAL MANAGEMENT COMMITTEE
East Central Wisconsin Regional Planning Commission
Wednesday, June 14, 2023 (In-Person)**

COMMITTEE MEMBERS: *David DeTroye (Perm. Alt. for Tom Reinl), Brenda Schneider, Jeremy Johnson (Perm. Alt. for Elizabeth Moses), Jeff Nooyen, Kevin Englebert (Perm. Alt. for Thomas Nelson), Ken Capelle, Aaron Jenson (Perm. Alt. for Brian Smith), David Albrecht (Perm. Alt. for Tom Egan), Bob Schmeichel*

1. Welcome and Introductions - The meeting was called to order by ECWRPC Executive Director-Melissa Kraemer-Badtke with the time noted at 10:12 a.m.

2. Roll Call

Committee Members Present:

David DeTroye (perm alt. for Tom Reinl)	Calumet County
Jeremy Johnson (perm alt. for Elizabeth Moses) Call-In	Menominee County
Kevin Englebert-Chair (perm alt. for Thomas Nelson)	Outagamie County
Jeff Nooyen	Outagamie County
Ken Capelle	Shawano County
Bob Schmeichel.....	Winnebago County

Committee Members Excused:

Brenda Schneider-Vice Chair	Fond du Lac County
Aaron Jenson (perm alt. for Brian Smith)	Waupaca County
David Albrecht (perm alt. for Tom Egan).....	Winnebago County

ECWRPC Staff Present:

Melissa Kraemer-Badtke	Executive Director
Craig Moser	Deputy Director
Wilhelmina Paustian	Senior Planner
Scott Konkle	Senior Planner
Mike Zuege	GIS Manager
Rachel Roth	GIS Analyst I
Leann Buboltz.....	Administrative Coordinator

Guests Present:

Kelly Wisnepske	Town Administrator – Town of Clayton
Russ Geise	Chairman – Town of Clayton
George Dearborn.....	Village of Fox Crossing
Jeff Sturgell.....	Village of Fox Crossing
David Tracey.....	Utilities – Village of Fox Crossing
Trever Thompson	Real Estate Investor

3. Approval of Agenda / Motion to Deviate Mr. DeTroye motioned to approve the agenda Mr. Englebert seconded the motion. The motion passed unanimously.

4. Special Order of Business/Action Item
 - A. Presentation and Committee Overview – East Central staff members; Ms. Wilhelmina Paustian and Mr. Scott Konkle presented to the (newly consolidated) Environmental Mgt Committee members an overview regarding the SSA Program as well as the NR135 Mining Reclamation Program.
 - B. Election of Chair and Vice Chair of the Environmental Mgt Committee –
 1. Election of Chair – directed by ECWRPC Commission Chairman Nooyen. Nominations of Chair. Chair Nooyen opened the floor up to nominations for Committee Chair.
 - a. Mr. Schmeichel nominated Mr. Englebert who accepted the nomination.

A motion by Mr. Schmeichel and second by Mr. DeTroy to approve of Mr. Englebert as Chair of the Environment Mgt Committee. Motion carried unanimously.
 2. Election of Vice Chair – Nominations of Vice Chair. Environmental Mgt Chair Englebert opened the floor up to nominations for Committee Vice Chair.
 - a. Mr. Nooyen nominated Brenda Schneider to serve as Committee Vice Chair

A motion by Mr. Nooyen and second by Mr. Schmeichel to approve of Ms. Schneider as Vice Chair. Motion carried unanimously.
5. Public Comment – Chairperson Englebert
 - A. Public Comments – General. These were no general public comments.
 - B. Public Hearing – Draft Fox Cities 2040 Sewer Service Area Plan (individual speakers are limited to five minutes per speaker). Chairperson Englebert ask the guests that were speaking to limit their comments to five minutes per speaker.
 - i. Mr. Jeffrey Sturgell – Fox Crossing Village Manager took the floor and submitted a written statement to the members. (Copy on file). Mr. Sturgell summarized two points on behalf of V. Fox Crossing as it relates to the Fox West SSA boundaries. He voiced his confusion where he felt that the Westridge Golf Course Territory had already been accepted and approved to be included in Fox West SSA or at least the Planning Area and also approved by the WI DNR in April 2020. Second Point – Mr. Sturgell shared that if the Westridge Golf Course territory was not included, he feels it should be in the most recent review of the Fox West SSA based on the merits of the engineering study provided by the Town of Clayton/Village of Fox Crossing. He feels that they best prove they would be able to service the area. For the record it is noted that Chair Geise – Town of Clayton requested that his allotted time to speak be forwarded to Mr. Sturgell.
 - ii. David Tracey – Fox Crossing Utilities. Established that the comments that were sent on behalf of Fox Crossing by Attorney Lawrie Kobza from Boardman & Clark LLP were received and made a part of the record. He noted that this particular documentation explained what Mr. Sturgell summarized above.
 - iii. Russ Geise – Chairman of Town of Clayton. Acknowledged that Lawrie Kobza from Boardman & Clark LLP submitted our comments on June 5 for the record. He stated that it mirrors what Mr. Sturgell shared prior. It is our understanding that the territory was already included within the SSA.
 - iv. Mr. Trever Thompson – Real Estate Investor in SFR, went on record to speak in favor of the proposed SSA territory. He noted that he has an interest in land located in the Village of Greenville.

- v. George Dearborn - Village of Fox Crossing. He shared that this area was understood to be already within the SSA.
 - vi. Chair Englebert – Hearing of no further comments, the public hearing of the Draft Fox Cities 2040 Sewer Service Area Plan was closed with the time noted at 10:40 a.m.
6. Announcements and Discussion Items
- A. Water Quality Management – Wilhelmina Paustian, Senior Planner
 - 1. Program Update: Staff reported that from January through May of 2023 they conducted sanitary sewer reviews for conformance with the approved SSA Plan and Areawide Water Quality Management Program: 17 Sanitary Sewer Extensions, three Sanitary Sewer Mainline Replacements, five Private Laterals, three Wastewater Treatment Plant Facilities Plan Updates (Oshkosh WWTP, Omro WWTP, and Larsen-Winchester WWTF) and one SSA Plan Amendment to the Fox Cities – Fox West SSA. Ms. Paustian also reported that the next scheduled SSA Plan Updates are the Village of Sherwood SSA Plan and the Village of Stockbridge SSA Plan. She stated that staff will tentatively schedule introduction meetings in the 4th quarter.
 - B. NR135 – Scott Konkle, Senior Planner
 - 1. Program Update. Staff reported that typically during the period of April 1st through June 30th he reviews any associated updates to financial assurance documents and site inspection scheduling. Mr. Konkle noted that no acreage has been certified as reclaimed this year and that there are no non-compliance issues to address at this time.
 - C. Approval of the 2023-2024 Environmental Management Committee Meeting Schedule. A motion was made by Mr. Nooyen and a second by Mr. Schmeichel to approve of the 2023 2024 Environmental Management Committee Meeting Schedule as presented. Motion carried unanimously.
7. Old Business – Past Meeting Minute Approvals
- A. Community Facilities Committee, March 8, 2023. A motion by Mr. Capelle and second by Mr. Nooyen to approve of the minutes as presented. Motion carried unanimously.
 - B. Open Space/Environmental Management Committee, April 12, 2023. A motion by Mr. Schmeichel and second by Mr. Johnson to approve of the minutes as presented. Motion carried unanimously.
8. New Business/Action Items
- A. Water Quality Management – Wilhelmina Paustian, Senior Planner
 - 1. Proposed Resolution 23-23: Approving the Updated Fox Cities 2040 Sewer Service Area Plan: <https://www.ecwrpc.org/wp-content/uploads/2023/06/Fox-Cities-SSA-Plan-2040-FINAL-DRAFT-JUNE-2023.pdf>;

Ms. Paustian shared with the members that the Fox Cities 2040 Sewer Service Area (SSA) Plan Update process began in 2020, noting that this is the fifth update of the Fox Cities SSA Plan (1985, 1991, 1997, 2006, and 2023). Staff summarized that the 2040 SSA Plan is comprised of four separate sewer service areas and planning areas spanning 20 municipalities and three counties. The sewer service areas and planning areas are associated with the four wastewater treatment facilities in the Fox Cities: Neenah-Menasha Sewerage Commission, Fox West Regional Sewerage Commission, Appleton Wastewater Treatment Plant, and the Heart of the Valley Metropolitan Sewerage District.

It was reported that there were several delays in the update process due to the pandemic and staff turnover. At the end of 2022 draft chapters/maps were shared with communities and in the beginning of 2023, the commission hosted informational meetings. It was noted that several communities had small edits and requests following the January informational meetings. Final draft maps and the draft Plan were then completed in the beginning of May. Ms. Paustian noted for the record that a Notice for Public Comment and Public Hearing was published in the Appleton Post Crescent on Sunday, May 7th, and was posted on the online version of the paper for the next 30 days. The Public Hearing was held pursuant to Wisconsin Administrative Code NR 121.07(1)(b).

A completed breakdown of the area was presented which totaled approximately 12,852 acres of land that was added to the entire Fox Cities SSA; 3,228 acres in the Neenah-Menasha SSA; 5,433 acres in the Fox West SSA; 1,149 acres in the Appleton SSA; and 3,042 acres in the Heart of the Valley SSA. Ms. Paustian shared that according to the residential and non-residential land use projections, approximately 10,867 acres of land will need to be included in the SSA to accommodate the projected population in the year 2040. Acreage added to the SSA was requested by the communities for a variety of reasons:

- Parcels included that are ready or anticipated for development in the next 5-20 years
- Parcels included along roadway construction projects, i.e. STH 15 in Greenville
- Boundaries may follow a Community's Sanitary Sewer Master Plan
- Parcels included that are in a lift station's service area
- Boundaries shifted to include/exclude existing development based on perceived/anticipated need for connection to sanitary sewer in the future
- Boundaries cleaned up so they do not bisect parcels, parcels with the same owner included

Public Comments/Edits: Ms. Paustian noted the following:

- New Cover Page
- Appendix G outlines the Public Comments, which were incorporated into the Final Plan:
 - o Mapping Correction: Update the Fox West & Appleton SSA boundary to reflect the existing Town of Grand Chute Sanitary District #2 Boundary. Maps and associated existing SSA acreage Table 4 and Table 15 were updated with the corrected parcels.
 - o Mapping Correction: The Greenville Sanitary District was dissolved after the Village of Greenville was incorporated in 2021. The Greenville Sanitary District was removed from Map 10.
 - o Supporting Documents: ECWRPC's Westridge Golf Course Cost-Effectiveness Analyses Evaluation from May 3, 2023 to support the Undefined Planning Area determination.
 - o Comments submitted by Lawrie Kobza from Boardman & Clark LLP on behalf of the Town of Clayton and Clayton Sanitary District No. 1.

Ms. Paustian indicated that staff has reviewed the public comments received and discussed those issues with WDNR staff. She indicated that the confusion is regarding what was approved at the 2020 Community Facilities Committee meeting. The original amendment request from the Town of Clayton was for about 3,000 acres. If you review the map that was handed out at that meeting and review the minutes, which indicate the map was approved as presented, it is the hashed line that is a smaller area than the original request. That smaller area of approximately 2,000 acres was approved by the CFC and sent, per process, to the WDNR, which they approved. Those 2,000 acres that were previously approved are included in the SSA Plan. In terms of the broader area in question, the Commission has expressed the involved communities need to have more conversation to ensure there is consensus moving forward prior to making a broader change.

In terms of the Westridge Golf Course area, in the 2006 plan it is labeled as an undefined planning area. The Commission has proposed, and what is included in the plan, is to keep that area as an undefined planning area until communities can have further conversations regarding the broader area. Discussion with WDNR has occurred regarding this issue and one option is to amend the plan after conversations have taken place and cost effectiveness can be further evaluated.

Ms. Paustian outlined the steps upon approval that are anticipated, Staff will bring the proposed Fox Cities 2040 SSA Plan to the full Commission in July 2023. If the Commission approves the SSA Plan, it will be sent to the Wisconsin Department of Natural Resources for final review and administrative decision to be certified as part of the Wisconsin Areawide Water Quality Management Plan. Staff recommends that the Environmental Management Committee approve Proposed Resolution 23-23: Approving the Updated Fox Cities 2040 Sewer Service Area Plan.

Chair Englebert noted for the record, he would like to acknowledge and thank ECWRPC staff; more specifically SSA Program Lead - Ms. Wilhelmina Paustian, the ECWRPC GIS Manager-Mike Zuege and GIS Analyst I - Rachel Roth, along with the Executive Director – Melissa Kraemer-Badtke for preparing this Plan for this public hearing presentation and getting it to this point.

A motion was made by Mr. Nooyen and a second by Mr. Schmeichel to open this agenda item up for discussion. Ms. Paustian addressed Member-Mr. Schmeichel's question if all communities were informed of this public hearing. She responded that all 20 communities were informed.

Discussion continued with Committee member – Jeff Nooyen who reiterated staff's recommendation for approval of the Final Draft Fox Cities 2040 SSA Plan as presented, noting that the plan does not include the Golf Course at this time. He acknowledged staff's notation, which encouraged the municipalities involved, to engage in conversation(s) regarding said acreage and who could best serve that area. Chair Englebert shared that there remains a question of what was actually approved in the 2020 SSA Amendment (Track 164) and noted that ultimately the determination was made by the Department of Natural Resources. Having no DNR representation at this meeting, ECWRPC staff was directed to reach out to them. Chair Englebert also stated that it is not the intent of this Committee to hold up the Plan approval. He continued by sharing that when clarification, of their determination, is received from the Department of Natural Resources and if it is found that the long-term planning area/Westridge Golf

Course was not included in the approved 2020 SSA Plan Amendment (Track 164), an amendment request can be submitted for review at a future date.

A motion was made reaffirming the action by Mr. Nooyen and a second by Mr. Schmeichel to approve the Resolution 23-23 - Final Draft Fox Cities 2040 SSA Plan as presented, noting that the area a/k/a Westridge Golf Course is not included in the Plan at this time. Motion was carried unanimously.

NOTE: Please find links to Final Draft Fox Cities 2040 SSA Plan (including SSA Maps and Comment Letter)

Neenah-Menasha SSA Map: https://www.ecwrpc.org/wp-content/uploads/2023/06/Neenah_Menasha_SSA_22x34.pdf;

Fox West SSA Map: https://www.ecwrpc.org/wp-content/uploads/2023/06/Fox_West_SSA_22x34.pdf;

Appleton SSA Map: https://www.ecwrpc.org/wp-content/uploads/2023/06/Appleton_SSA_22x34.pdf;

Heart of the Valley SSA Map: https://www.ecwrpc.org/wp-content/uploads/2023/06/HOV_SSA_22x34.pdf;

Boardman Clark Comment Letter on behalf of Town of Clayton and Clayton Sanitary District No. 1: https://www.ecwrpc.org/wp-content/uploads/2023/06/BoardmanClark_Clayton_Comments_6-5-23_reduced.pdf

9. Informational/Discussion Items

A. County Roundtable Discussion (*as time permits*)

1. Calumet County lead sponsor to \$1 million EPA Brownfield Assessment Grant.

10. Establish Time and Place for Next Meeting

- A. The next Environmental Management Committee meeting will be at 10:00 a.m. on Wednesday, September 13, 2023 at the Commission Office (400 Ahnaip Street, Suite 100; Menasha).
- B. The next Quarterly Commission Board meeting will be at 10:00 a.m. on Friday, July 28, 2023 –City of New London City Hall, 215 N. Shawano St., New London, WI. Additional meeting details will be forthcoming.

11. Adjourn. A motion was made by Mr. Schmeichel and a second by Mr. Nooyen to adjourn with the time noted at 11:15 a.m.

Respectfully Submitted

Leann S Buboltz – Administrative Coordinator
East Central WI Regional Planning Commission