

**MINUTES**  
**BROWN COUNTY PLANNING COMMISSION**  
**BOARD OF DIRECTORS**  
**Wednesday, May 6, 2009**  
**Green Bay Metro Transportation Center**  
**901 University Avenue, Commission Room**  
**Green Bay, WI 54302**  
**6:30 p.m.**

**ROLL CALL:**

Daniel Bertrand	<u>X</u>	John Klasen	<u>X</u>
Paul Blindauer	<u>X</u>	Pat Kolarik	<u>X</u>
James Botz	<u>X</u>	Andy Lundt	<u>Exc</u>
Keith Chambers	<u>X</u>	Patrick Moynihan, Jr.	<u>X</u>
William Clancy	<u>X</u>	Ken Pabich	<u>X</u>
Norbert Dantine, Jr.	<u>X</u>	Mike Soletski	<u>X</u>
Ron DeGrand	<u>X</u>	Alan Swatloski	<u>Abs</u>
Bernie Erickson	<u>X</u>	Jerry Vandersteen	<u>X</u>
Mike Fleck	<u>X</u>	Tim VandeWettering	<u>X</u>
Steve Grenier	<u>X</u>	Dave Wiese	<u>X</u>
Mark Handeland	<u>X</u>	Vacant (C. Green Bay)	<u>      </u>
Phil Hilgenberg	<u>X</u>	Vacant (C. Green Bay)	<u>      </u>

**OTHERS PRESENT:** Chuck Lamine, Peter Schlein, Lisa Conard, Lori Williams, Krista Heath (Mau & Associates), Graham Callis (Village of Suamico), Mark Walter, and Dave Kaster.

1. Approval of the minutes of the March 16, 2009, meeting of the Brown County Planning Commission Board of Directors.

A motion was made by K. Chambers, seconded by J. Vandersteen, to approve the minutes as presented. Motion carried unanimously.

2. Introduction of new members to the Brown County Planning Commission Board of Directors: Mark Handeland appointed by the Towns of Ledgeview and Pittsfield; and Patrick Moynihan, Jr. appointed by the Village of Ashwaubenon.

N. Dantine welcomed the two new members to the Brown County Planning Commission Board of Directors.

3. **Public Hearing:** Environmentally sensitive area (ESA) amendment located in the Village of Suamico proposing the removal of 0.5 acres of ESA buffer, restoration and the addition of 0.2 acres of ESA buffer, and the enhancement of 0.2 acres of ESA buffer with a storm water management pond. (ESA 2009-01 SUA)

P. Schlein displayed a PowerPoint slide of the subject properties located on Moose Creek Trail and Moose Creek Court. He stated there are certain areas of the ESA buffer near the rear property lines of the lots that are proposed to be removed and replaced on Outlot 2. He asked three times if anyone wished to speak. Hearing none, the public hearing was closed.

4. Public comment opportunity for Minor Amendment #4 to the 2009-2013 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area.

L. Conard stated that the Amendment before the Commission is considered a minor amendment, and therefore, federal guidelines require that an opportunity for public comment be given. The amendment includes proposed funding for two projects:

1. The restoration of the Boat Keeper's Residence located on Government Island in the City of De Pere at the cost of \$115,100.
2. The Riverside Drive Streetscaping project in the Village of Suamico at the cost of approximately \$463,000.

L. Conard noted that with an approved amendment, the projects become eligible for funding under the *American Recovery and Reinvestment Act of 2009*.

L. Conard asked three times if anyone wanted to make a comment. Hearing none, the public comment opportunity was concluded. She informed the commission that the requirement for a public comment had been fulfilled.

5. Environmentally sensitive area amendment located in the Village of Suamico proposing the removal of 0.5 acres of ESA buffer, restoration and the addition of 0.2 acres of ESA buffer, and the enhancement of 0.2 acres of ESA buffer with a storm water management pond. (ESA 2009-01 SUA)

P. Schleinz stated he has been working on this project over the last three years in cooperation with the six property owners, Wisconsin Department of Natural Resources (WDNR), Village of Suamico, the developer, and Mau & Associates. When the subdivision was originally created, there was a drainage basin that provided storm water management. The property owners did not realize there was an ESA or a storm water management easement located on their lots and the easement was damaged beyond repair. Staff from the Brown County Planning Commission, WDNR, and the Village of Suamico looked at the site and determined the easement could not be repaired to achieve the storm water management standards requirement of 80% total suspended solids (TSS) removal.

P. Schleinz said the original ESA delineation that was identified for the wooded wetland on Outlot 2, which is owned by the Village of Suamico, was incorrect and identified ESA areas that actually were not. When the delineation was redone, the line was moved off the property and was shortened up.

P. Schleinz stated there are developments on the properties that would be very difficult to remove and removal would not solve the storm water problem. An area was identified on Outlot 2 that allowed for the development of a storm water management pond that would achieve 80% TSS removal. Water would be directed from the rear of the private properties to the storm water management pond before it goes into the wetland. This proposal identifies that the ESA could potentially be completely removed from the private properties in exchange for the creation of the storm water management pond on Outlot 2. The storm water management pond would be enhanced from its original 40% TSS removal to 80% TSS removal, obtaining cleaner water than it was originally required to be designed for.

P. Schleinz stated staff recommends approval of this amendment with the conditions listed in the staff report.

P. Blindauer asked if there was any significant opposition to this project.

P. Schleinz replied that the Village of Suamico worked directly with the property owners to get them to agree to help pay for the storm water management and any adjustments that are needed for the drainage easement on their property. Of the six property owners that

are affected, five have signed an agreement to pay their share and the sixth one has not yet signed but has verbally stated they agree to this project.

P. Blindauer asked what can be done differently to identify ESAs so that encroachments do not occur in the first place.

P. Schleinz stated that an agreement can be made with the developers telling them they must convey this information to the property owners. He said the Village of Suamico is now taking a proactive approach and will not allow storm water management ponds on private property unless there is no other solution.

C. Lamine said the Brown County Planning and Land Services Department is holding a workshop later this month for building inspectors and zoning administrators to discuss this issue. With this effort we are hoping that at the time a building permit is issued, they can convey any other permit requirement information to the property owner.

N. Dantine stated that even though ESAs are listed on the plat, this information is not relayed to the buyers of the lots and we need to find a way to get this information to them.

C. Lamine replied that a lot of education needs to occur. Another possibility is to post signs adjacent to the areas that must be protected, especially near higher quality wetlands or on lots that have limited building areas.

D. Wiese said the Village of Howard has been posting signs in the ESA and conservancy areas for the last two years. It is a requirement for a subdivision and is included as a part of the developer's agreement.

A motion was made by M. Soletski, seconded by R. DeGrand, to approve the amendment with staff recommendations. Motion carried unanimously.

6. Approval of Minor Amendment #4 to the 2009-2013 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area.

A motion was made by M. Fleck, seconded by B. Erickson, to approve Minor Amendment #4 to the 2009-2013 Transportation Improvement Program (TIP) for the Green Bay Urbanized Area. Motion carried unanimously.

7. Discussion and recommendation to the Brown County Board of Supervisors regarding 2010 Brown County funding for the Bay-Lake Regional Planning Commission.

C. Lamine stated Brown County pays annual dues for Bay-Lake Regional Planning Commission (BLRPC) membership. Each county within the region contributes to BLRPC's budget. The formula to determine the dues, which was created by the State of Wisconsin, is based on the total assessed valuation of improvements and land values within the county. Brown County pays a larger fee than other counties in the region due to our population and the amount of developed property. In 2009, Brown County paid \$84,938 for the membership. This amount is a major portion of the Planning budget and represents 19% of the Planning budget levy or 9% of the Planning budget expenditures.

C. Lamine said the 2010 budget is going to be very challenging. There are changes in the state budget that are going to have major impacts on the county budget as a whole. Over the past year, a Senior Planner position was eliminated from the Planning budget and a GIS Technician was eliminated from the Land Conservation budget. The Land Conservation's eliminated position has no budgetary impact on the Planning budget but the responsibilities of the position were transferred to the two GIS positions in Planning.

Also, due to a downturn in permit activity and a reduction in grant revenue, a Sanitary Inspector position in Zoning has been left vacant for over two years to reduce our budgetary impact. Additionally, the transportation planning grant that we receive from the Wisconsin Department of Transportation will be reduced in 2010 by \$20,000.

C. Lamine stated he attended a BLRPC committee meeting and informed them of Brown County's intentions for 2010 but he did strongly encourage other counties to continue their membership to BLRPC. He said the benefits of BLRPC are greatest for smaller counties with a limited number of planning staff. Brown County has helped to subsidize BLRPC over the years because regional planning is very important but we simply can no longer afford it. Action must be taken prior to July 1 to withdraw from BLRPC and requires a two-thirds majority vote of the County Board. This item will be discussed at the Planning, Development and Transportation Committee in May and will be brought to the June County Board meeting for action. He stated it is staff's recommendation to withdraw from the BLRPC for 2010.

D. Bertrand asked if giving up this funding will help to not lose any more positions.

C. Lamine replied he is extremely hopeful for that because he simply cannot lose any more positions, especially when the development activity increases.

A motion was made by B. Erickson, seconded by M. Fleck, to open the floor to allow the public to speak. Motion carried unanimously.

Mark Walter, 1350 Servais Street, said he is the Executive Director of BLRPC. He stated BLRPC covers an eight county region and due to the high equalized value in Brown County, it pays the largest part of the BLRPC levy. BLRPC is 19% levy funded and the other 80% is grant funded through various programs and projects. He said in the short-term there will be a monetary advantage to not fund BLRPC. However, in the long-term it may have an impact on projects that have a regional scope such as the long-range water supply plan that the Central Brown County Water Authority must put together by 2025. He stated that southern Oconto County and western Kewaunee County are part of the transportation planning area and part of the sewer service area that the Green Bay Metropolitan Sewerage District serves. The census now considers Oconto, Kewaunee, and Brown one census metropolitan statistical area. These are some examples of regional projects that are becoming a greater concern in this area. BLRPC's bylaws state that their ability to work within a county is limited to working with communities that are members. He said there are many planning issues that BLRPC is currently involved in that may end up costing the county more in the long run if BLRPC is not funded. He stated in some counties the BLRPC levy is taken out of a separate funding budget and does not come out of a departmental budget, which may be an option that Brown County could pursue. He urged the Board to find a way to work through this rather than to withdraw from BLRPC membership.

P. Blindauer asked if the county could retain BLRPC services on a fee basis in the future.

M. Walter replied that would not be possible, the county must be a member.

C. Lamine relayed that if Brown County withdraws from BLRPC, individual communities within Brown County can still choose to contribute to BLRPC membership.

P. Blindauer asked how the City of Green Bay feels about withdrawing from BLRPC.

C. Lamine replied that he had not talked to Green Bay about this.

K. Chambers asked if there are counties in the state that are not part of a regional planning commission.

M. Walter answered there are five counties around Dane County that do not belong to a regional planning commission.

B. Erickson asked how many grant dollars BLRPC has brought in to Brown County in 2008 and 2009.

M. Walter replied he did not have a figure for 2009 but in 2008, \$30,000-\$35,000 in grants.

K. Pabich stated he has a hard time supporting withdrawal from BLRPC. The City of De Pere has relied on BLRPC for a number of functions already this year. He said that as a Planning Commission we should not be looking at this just from a fiscal standpoint but need to look at the importance of planning and the planning function that BLRPC is providing us. He believes the importance of this program should be explained to the County Executive and possibly suggest that this funding should be moved from the Planning budget to a separate funding source in the county budget.

W. Clancy said he served on the BLRPC for 16 years. He feels they are not political and believes we need open and honest people to give us insight. He stated he respects the work of BLRPC and will not support withdrawal.

N. Dantine asked if BLRPC would continue to work with the Town of Morrison in applying for a grant for the water problem they are having if Brown County withdraws from BLRPC.

M. Walter replied that the Town of Morrison would need to become a member of BLRPC.

P. Blindauer asked if it's common for one department to assume the entire cost of this funding.

M. Walter replied that in some counties it is not in a departmental budget, it comes out of a separate funding source in the county budget.

C. Lamine reiterated that this is going to be a very tough budget and shifting this funding to a different budget would not help the county budget as a whole.

D. Bertrand stated he feels BLRPC is providing us a vital service and is opposed to withdrawal.

K. Chambers said he will not support withdrawal as he feels Pulaski will need BLRPC's services and assumes Denmark and Wrightstown will need them also.

C. Lamine replied that he feels that the Brown County Planning Commission (BCPC) can provide the services that the communities will need.

P. Kolarik stated the services BCPC staff provides are exceptional but asked if the current staff can take on more responsibilities and if they will have as broad of spectrum of information that BLRPC has.

C. Lamine answered that his goal would be to do it with current staffing levels but that would need to be analyzed. He said that as a staff we are applying new technologies to increase our efficiencies enabling us to do more with less. He stated that budgeting for contracted services may be an option for some services but stated he has confidence that his staff would be able to perform the work.

N. Dantine asked if Brown County withdraws membership now, can we choose to rejoin in November when the budget is reviewed.

M. Walter replied yes.

A motion was made by P. Moynihan, seconded by J. Vandersteen, to return to regular order of business. Motion carried unanimously.

B. Erickson stated that the Planning, Development and Transportation Committee will meet and vote on this item on May 26, 2009, at 7:00 p.m. at the University Extension Office. He encouraged any communities to attend this meeting if they wanted to bestow any information or concerns to the committee.

A motion was made P. Moynihan, seconded by J. Botz, to recommend to the Brown County Board of Supervisors withdrawal of Brown County funding for BLRPC for 2010. A roll call vote was taken. Voting in favor were P. Hilgenberg, P. Kolarik, P. Blindauer, J. Klasen, P. Moynihan, J. Botz, S. Grenier, T. VandeWettering, M. Handeland, R. DeGrand, D. Wiese, and M. Soletski. Voting in opposition were J. Vandersteen, K. Pabich, M. Fleck, K. Chambers, W. Clancy, and D. Bertrand. Abstaining from the vote were B. Erickson and N. Dantine. Motion carried, 12 to 6.

N. Dantine encouraged anyone who wanted to voice their opinion to attend the May 26, 2009, meeting of the Planning, Development and Transportation Committee.

8. Summary of Annual Report submitted to WDNR related to Brown County Municipal Storm Sewer System (MS4) Permit.

P. Schleinz stated the full annual report is available on the Brown County web site. He described the six main components of the report. In 2008, Brown County achieved a 28.5% reduction in total suspended solids on our county highways. By law, we were required to obtain a 20% reduction.

A motion was made by M. Soletski, seconded by J. Vandersteen, to receive and place on file. Motion carried unanimously.

9. Director's report.
  - a. Planner I (GIS/Transportation) position.

C. Lamine stated that T. Hennig took a position with the Village of Bellevue. The recruitment process is in progress and interviews will be performed later this month.
  - b. American Planning Association conference.

C. Lamine stated he and C. Runge attended the national conference in Minneapolis. It was a very worthwhile conference to attend. Some of the issues that were focused on were sustainability, renewable energy, brownfield, transportation, and waterfront development.
  - c. "When do I need an environmental permit in Brown County?" workshop.

C. Lamine said this outreach effort is being held on May 14, 2009, from 6:00 p.m.-8:30 p.m. in the Library auditorium. The goal is to educate people as to permitting requirements to avoid after-the-fact permits and enforcement actions. Building inspectors, zoning administrators, elected officials, realtors, and anyone interested is invited to attend this free workshop. Speakers scheduled are the Army Corps of Engineers, Department of Natural Resources, and Planning and Land Services staff.

- d. Brownfield grant applications available.  
C. Lamine stated the deadline to submit applications for the grants Brown County was awarded for environmental site assessments (\$200,000) and hazardous materials (\$200,000) is May 19, 2009. All municipalities, the Oneida Nation, and the DNR were notified of the grant availability. The applications will be reviewed and prioritized by staff. The applications will also require action from the Planning Commission to provide a recommendation to the Environmental Protection Agency for their approval. By contract, AECOM (formerly STS) will be performing the assessments.
- e. Coastal grant awards.  
C. Lamine said Brown County was awarded a coastal grant in the amount of \$29,960. This project is a collaborative planning effort between Brown County, the cities of Green Bay and De Pere, and the villages of Ashwaubenon and Allouez. This plan will identify land uses and will create a redevelopment plan for the waterfront.
- f. Letter of opposition regarding moving the Wisconsin Coastal Management Program from the Department of Administration to the Department of Natural Resources.  
C. Lamine stated the Department of Natural Resources (DNR) is typically an applicant for coastal management funds. If the DNR is an applicant and also the reviewing agency for these funds, counties could be placed in a very competitive position. M. Walter informed C. Lamine that the Joint Finance Committee did overturn the Governor's recommendation regarding moving this program.
- g. Energy Efficiency and Conservation Block Grant.  
C. Lamine said Brown County was awarded a \$612,000 Energy Efficiency and Conservation Block Grant from the Federal Department of Energy. Awhile back, Brown County received a 25x25 grant from the Governor's Office of Energy Independence which has a goal of having 25% of our energy use coming from renewable energy sources by the year 2025. This \$612,000 will be a funding source to help obtain the goals of the 25x25 grant.

- 10. Brown County Planning Commission staff updates on work activities during the months of March and April 2009.

The staff updates on work activities were accepted as presented.

- 11. Other matters.

N. Dantine asked if a public hearing will be on the next agenda or if the next meeting will be held at a different location.

L. Conard noted that another amendment to the 2009-2013 Transportation Improvement Program (TIP) may be necessary if additional projects eligible for stimulus funds are submitted to the MPO. However, it is possible that any additions to the TIP can be incorporated into the new 2010-2014 TIP scheduled for public review and hearing in the July/August timeframe.

C. Lamine stated that recent amendments to the TIP are related to stimulus funding opportunities. This location is on a transit route and is located within the Urbanized Area. However, we could have the next meeting at a different location within the Urbanized Area.

S. Grenier asked if the MPO staff had seen the approved list of projects from WisDOT.

L. Conard stated that staff was told that the list would be made available mid-week the week of May 3. As of today, staff had not seen the list.

S. Grenier asked what the next step is after the list is received.

L. Conard noted that once the list is made available, the MPO policy board will likely have to prioritize projects.

L. Conard stated that ARRA transportation funds were being delivered to the local level through three programs; Surface Transportation Program - Urban (STP-U), Transportation Enhancement (TE), and Section 5307 (transit capital).

L. Conard stated that the Green Bay Urbanized Area (GBUA) can expect to receive approximately \$2,370,000 of STP-U funds for roadway related projects. This would be a direct allocation to the GBUZ.

L. Conard stated that there was approximately \$15,000,000 statewide available for Transportation Enhancement (TE) projects. There is no direct allocation of TE funds made to the GBUA. Projects compete on a statewide basis. L. Conard stated she was aware of eight project applications from the GBUA, including the two that were part of TIP Amendment #4 discussed earlier tonight.

L. Conard stated that the Section 5307 awards have already been announced by the Governor. Green Bay Metro was awarded approximately \$2,900,000. Funds will pay 100% of the cost of four new 35' buses, farebox system upgrade, surveillance and security equipment, AVL system, staff vehicles, and other equipment.

S. Grenier asked about the STP-U funds and stated that he was told that Green Bay would receive a \$4,000,000-\$5,000,000 award.

L. Conard stated that staff was notified that the ARRA funds coming through the STP-U program which will be allocated to the GBUA represent 15.8% of \$15,000,000 or approximately \$2,370,000.

12. Adjourn.

A motion was made by J. Vandersteen, seconded by M. Fleck, to adjourn. Motion carried unanimously. The meeting adjourned at 8:25 p.m.

:lsw