

MINUTES
BROWN COUNTY PLANNING COMMISSION
BOARD OF DIRECTORS
Wednesday, March 7, 2007
University Extension
1150 Bellevue Street
Room 114, Donovan Hall
Green Bay, WI 54302
6:30 p.m.



ROLL CALL:

Paul Blindauer	<u>X</u>	Ed Kazik	<u>Exc</u>
Keith Block	<u>Abs</u>	John Klasen	<u>X</u>
James Botz	<u>X</u>	Ken Pabich	<u>X</u>
David Buck	<u>X</u>	Bob Schlag	<u>X</u>
Keith Chambers	<u>X</u>	Ken Simons	<u>X</u>
William Clancy	<u>X</u>	Mike Soletski	<u>X</u>
Norbert Dantine, Jr.	<u>X</u>	Ray Tauscher	<u>X</u>
Ron DeGrand	<u>Exc</u>	Tim VandeWettering	<u>X</u>
Paul Ehrfurth	<u>X</u>	Carl Weber	<u>X</u>
Bernie Erickson	<u>X</u>	Mark Williams *	<u>X</u>
Peter Harris	<u>X</u>	John Zeller	<u>X</u>
Phil Hilgenberg	<u>Exc</u>		

*Steve Kubacki in attendance for Mark Williams

OTHERS PRESENT: Chuck Lamine, Mike Parmentier, Cole Runge, Lori Williams, Paul Thormodsgard, Richard Yde, Dennis Cashman, and other interested parties.

1. Approval of the minutes of the February 7, 2007, regular meeting of the Brown County Planning Commission Board of Directors.

A motion was made by K. Simons, seconded by C. Weber, to approve the minutes. Motion carried.

2. Receive and place on file the draft minutes of the January 9, 2007, meeting of the Elderly and Disabled Transportation Subcommittee.

A motion was made by K. Simons, seconded by C. Weber, to receive and place on file the draft minutes. Motion carried.

3. Introduction of John Klasen, appointed by the Towns of Lawrence and Wrightstown, to the Brown County Planning Commission Board of Directors.

C. Lamine introduced and welcomed John Klasen, Chairman of the Lawrence Planning and Zoning Committee.

4. Election of a Vice President to the Brown County Planning Commission Board of Directors.

A motion was made by C. Weber, seconded by K. Simons, to nominate P. Blindauer for vice president. N. Dantine asked three times if there were any other nominations. Hearing none, a motion was made by M. Soletski, seconded by K. Pabich, to close the nominations. Motion carried.

5. Reappointment of the Planning Director as the Secretary-Treasurer of the Brown County Planning Commission Board of Directors.

A motion was made by K. Chambers, seconded by R. Tauscher, to reappoint C. Lamine as the Secretary-Treasurer. Motion carried.

6. **Public Hearing:** Sewer Service Area amendment for the Green Bay Metropolitan Sewerage District (GBMSD) to amend the 2002 Brown County Sewage Plan to alter the treatment areas and potentially the service areas identified in the 2002 Brown County Sewage Plan for the GBMSD wastewater plant and the City of De Pere wastewater plant.

N. Dantine turned the public hearing over to M. Parmentier. M. Parmentier read the public notice as it appeared in the Green Bay Press-Gazette. He then identified the GBMSD service area and the treatment areas of both the GBMSD and De Pere wastewater treatment plants (WWTPs). He stated that the City of De Pere terminated an agreement the City had with GBMSD to service the southern GBMSD service area effective January 1, 2010. GBMSD commissioned a Facilities Plan to look at their options to treat the sewage from their southern service area. The Facilities Plan recommends implementation of option E6, which is a merger of GBMSD and the City of De Pere, as the most cost-effective option for the region. If an agreement between GBMSD and the City of De Pere cannot be reached to implement option E6, the Facilities Plan recommends option B2 as the most cost-effective option not requiring a merger of GBMSD and the City of De Pere wastewater facilities. For option B2, both entities would continue to operate their own WWTP with some of the flow that currently goes to De Pere WWTP being diverted north to the GBMSD WWTP. He then read the names of the people wanting to speak in the order in which they had signed in.

Paul Thormodsgard, Executive Director of GBMSD, spoke in favor of the amendment request. He distributed and then read a summarized written statement. He also said that as a part of their outreach program several municipalities spoke out in favor of this amendment that will allow either the merger or the separation as the backup plan if a merger agreement cannot be reached.

Richard Yde, Stafford Rosenbaum LLP, a law firm appearing on behalf of the City of De Pere, distributed written comments to the Board members. He stated that option E6 requires an agreement between the City and the District, and if an agreement cannot be reached, then option E6 cannot proceed. Option B2 will also require agreements between the City and the District for the option to be implemented. With option B2, the District would be taking a portion of the wastewater from the City's WWTP. A contract provision permits the District to take a portion of the wastewater equivalent in strength and flow parameters to the sewage from the District's customers. Once the sewage is mixed in the interceptors, it cannot be unmixed again and an agreement would have to be reached regarding how it is going to be split up, how it is going to be measured, and how it will be

paid for. An agreement would also be required for maintenance and payment of the shared interceptors.

He stated option B2 also provides for forcemains to be located in City streets and for GBMSD to locate facilities on the De Pere WWTP site which would also require an agreement. If the City does not allow GBMSD to locate its facilities on the City WWTP site, option B2 suggests they will locate those facilities in Ashwaubomay Park but it does not address how wastewater east of the City will get to that site or the cost of this. He stated forcemains are not as reliable as gravity interceptors are. The installation of the additional forcemains will require City streets to be torn up and will interfere with the use of the streets and maintenance of other facilities in those streets. He stated that option B2 should not be approved.

M. Parmentier then asked if there was anyone else who wished to speak.

Dennis Cashman, Town of Rockland Chairman, stated that the Town of Rockland supports the proposed amendment.

M. Parmentier then asked three times if anyone else wished to speak. Hearing none, the public hearing was closed.

7. Sewer Service Area amendment for the Green Bay Metropolitan Sewerage District (GBMSD) to amend the 2002 Brown County Sewage Plan to alter the treatment areas and potentially the service areas identified in the 2002 Brown County Sewage Plan for the GBMSD wastewater plant and the City of De Pere wastewater plant.

M. Parmentier stated the Brown County Planning Commission is the areawide water quality agency for Brown County and it reviews amendments to make sure they meet the requirements of Wisconsin Administrative Code 121. The main thing that is looked at for the proposed amendment is the cost-effectiveness for the overall region, which means the projected total resource cost, not necessarily the projected rates. The GBMSD analysis has met this in their Facility Plan. The Facilities Plan recommended option E6 as being the lowest for the overall cost for the region among the merger/purchase options and option B2 as the lowest cost option for the region in the event a merger/purchase does not occur. The GBMSD analysis looked at the overall cost for the region while the De Pere analysis projected the impact on rates for the City of De Pere but did not look at the overall cost for the region. GBMSD is proposing this amendment so that they are prepared for the January 1, 2010, termination of the contract between GBMSD and the City of De Pere. M. Parmentier indicated that it is obvious that option E6 will only occur if both parties agree on a merger/purchase. Option B2 is the most cost-effective of the non-merger/purchase options. The amendment is being proposed because of a termination in the contract between GBMSD and the City of De Pere by the City of De Pere. M. Parmentier recommended that the two options recommended in the GBMSD Facilities Plan are the two most cost-effective options for the region based on overall cost to the region and recommended approval of this amendment with the two conditions of approval listed in the staff report.

K. Pabich asked what the timeline is regarding the January 1, 2010, date for us to make a decision.

M. Parmentier responded it is dependant upon the time it takes GBMSD to implement its options. GBMSD's schedule would like to award construction by September 2007, start construction in the 4th quarter of 2007, finish construction in the 4th quarter of 2008, and to be operational by the beginning of 2009.

K. Pabich stated there seems to be a consensus that option E6 would only occur if both GBMSD and De Pere come to an agreement, but there seems to be some concerns with option B2. He asked if we could separate and address the issues and vote on each one separately.

M. Parmentier responded that this is essentially one issue to modify the 2002 Brown County Sewage Plan so that options E6 or B2 could be implemented. If the Board would not take action now, we would have to see how that would affect GBMSD's timeframe. He indicated that De Pere does not agree with GBMSD's interpretation of the contract as far as certain things that GBMSD thinks the contract allows them to do in order to implement option B2. He stated in the contract between GBMSD and the City there are arbitration provisions in the event of disagreements about what the contract allows the parties to do. Both parties have talked about going to arbitration and have recommended specific former judges be used as arbitrators.

K. Simons stated that he believes this is just a preliminary action to amend the 2002 Brown County Sewage Plan to allow GBMSD and the City to go to the next level. The negotiations are between GBMSD and the City of De Pere whether they are going to agree on option E6 or B2.

M. Parmentier responded that the 2002 Brown County Sewage Plan has to be amended. The Board's action tonight is an advisory action and must be submitted to the DNR for the final determination. DNR also has to approve the GBMSD Facilities Plan.

P. Harris stated it appears that GBMSD is on a short timeline based on the schedule in the Facility Plan.

A motion was made by W. Clancy, seconded by B. Erickson, to suspend the rules to allow public comment. Motion carried.

P. Thormodsgard replied that for option E6 a decision would need to be made soon to begin design in April 2007. The more critical timeline is in respect to option B2 to be sure everything is in place for 2010.

K. Pabich stated he is confused about what we are actually approving tonight, as there are design and legal issues with option B2 that should be addressed before acting on that option.

M. Parmentier responded that the vote tonight is an amendment to the 2002 Brown County Sewage Plan to change the treatment areas of the GBMSD wastewater plant and the De Pere wastewater plant and to potentially change service of the two entities to allow implementation of option E6 or option B2 in the event E6 cannot be implemented. He indicated that the arbitrator would arbitrate any differences in opinions about co-mingling of flows and use of interceptors that would need to occur under option B2.

K. Pabich said he feels the design issues should be addressed before we decide on this in order to make a decision that is best for the whole region.

M. Parmentier indicated that the arbitrator would determine if there are contractual reasons why option B2 could not be implemented. This body would not get involved with that.

C. Lamine stated that if option E6 does not occur, option B2 was the next most cost-effective. He stated one of our responsibilities is to make sure the waste is properly treated. To enable GBMSD and the City to proceed to try to reach an agreement, we must take action soon.

N. Dantine stated that if an agreement cannot be reached on option E6, questions that De Pere has about the implementation of option B2 would then go to an arbitrator, not this body.

K. Simons stated we would just be allowing the amendment to go to the next level to negotiate and we would not be arbitrating this case.

P. Thormodsgard stated the contract is between the City and the District.

K. Pabich stated he is uncomfortable with the design issues and is concerned about the questions that De Pere has about the implementation of option B2. He would like option B2 to come back to the Board after questions about implementation of the option have been determined.

A motion was made by K. Simons, seconded by W. Clancy, to return to regular order of business. Motion carried.

A motion was made by K. Simons, seconded by J. Zeller, to approve the amendment with the staff recommendations listed in the staff report. Motion carried with K. Pabich opposing.

8. Presentation of the Coordination Plan for Public and Agency Participation for the Environmental Impact Statement for Transportation Improvements in the Southern Portion of the Green Bay Metropolitan Area.

C. Runge stated he has compiled the draft Purpose and Need Statement which is the next step in this process as shown in the Coordination Plan. It identifies why we are doing this and what needs we are trying to address. This draft will be sent to the Lead, Coordinating, and Participating agencies. A meeting with these agencies is scheduled for April 17, 2007, to receive their input and to refine the Purpose and Need Statement and reach a concurrence. The next step will be the Scoping/Alternatives Development stage which is when we can also begin the Interstate Access Justification Report (IAJR). The agencies must concur with the alternatives to be further studied. Public hearings, open houses, and meetings with the communities will take place to narrow these alternatives down to a preferred alternative. The final Environmental Impact Statement will need Federal Highway and WisDOT approval. C. Runge stated that Bay-Lake Regional Planning Commission is assisting with the environmental scan of the area for this project. He stated WisDOT staff anticipated this process would take four to six years to complete. However, he said we have already finished the Purpose and Need Statement which WisDOT staff did not anticipate completion of until summer or fall of this year. He feels the process is

moving quickly and any possible delays will most likely be from the review by the various entities. He further relayed that WisDOT staff has been very helpful in this process.

9. Director's report.

C. Lamine wanted to publicly recognize two of his staff for their hard work. He commended M. Parmentier for his work in consolidating the vast amount of information he received for tonight's SSA amendment into a concise staff report. He also commended C. Runge for his extra work and time as the Interim Transit Director on a contractual basis between Brown County and the City of Green Bay.

10. Brown County Planning Commission staff updates on work activities during the month of February 2007.

The staff updates on work activities during the month of February 2007 were accepted as presented.

11. Other matters.

B. Schlag noted that this will be P. Ehrfurth's last meeting because he is retiring from the Board. The Board thanked P. Ehrfurth for his years of service.

12. Adjourn.

A motion was made by J. Zeller, seconded by K. Simons, to adjourn. Motion carried. The meeting adjourned at 7:40 p.m.

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