

MINUTES
Stevens Point Urban Area Sewer Service Advisory Committee
September 6, 2006

Members Present: Jerry Moore, City of Stevens Point (Principal Alternate); John Holdridge, Town of Hull; Jerry Walters, Village of Whiting; Elmer Fournier, Village of Park Ridge; Tim Karcheski, Town of Plover; Dan Schlutter, Village of Plover; and Carl Karcheski, Town of Linwood

Member Excused: Gary Wescott, City of Stevens Point

Others Present: Dan Mahoney, Village of Plover; Mike Bronk, Town of Stockton, and John Gardner, City of Stevens Point

Staff Present: Jeff Schuler, Sarah Wallace, and Paula Cummings, Portage County Planning and Zoning Department.

Chairman Fournier called the meeting to order at 5:00 pm in Conference Room 5 of the Courthouse Annex, and asked those present to introduce themselves.

1. Members of the Public Who Wish to Address the Committee on Specific Agenda Items Must Register Their Request at This Time, With Such Comments Subject to the Reasonable Control of the Committee Chair as Set Forth in Robert's Rules of Order

Mike Bronk, Supervisor, Town of Stockton registered to speak regarding Committee membership.

2. Action on Minutes of August 3, 2006

Walters moved to approve the August 3, 2006 minutes as submitted and C. Karcheski seconded the motion, which passed by voice vote.

3. Discussion/Action on Enacting a Moratorium on Requests for Sewer Service Area Expansion Until the Sewer Service Area Plan has been Updated

Mahoney stated the Village of Plover brought this issue forward at the August 3 meeting and informed those present the Village of Plover would prefer no moratorium be enacted. Specific requests can be dealt with as they come forward through the Sewer Service Plan (SSP) update process. Mahoney further noted the intergovernmental agreement that exists between the Village and Town of Plover and he would like those requests entertained, if they come up during the update process. Gardner stated the City of Stevens Point supports Mahoney's comments. He felt requests during the update process would be for a parcel here or there. Also, Gardner felt a moratorium is a disservice to the public, if put in place. Holdridge asked what past practice has been to which Schuler replied this is the first update of the original SSP; there is no past practice. T. Karcheski stated he agrees with the Village of Plover; without Plover's services, we cannot expand and we need the support and aid. C. Karcheski felt there was no reason for a moratorium because the Committee can continue to discuss and decide on requests as they come in during the update process. A moratorium closes the door on expansion.

Holdridge noted in the August 2006 minutes a section in which water quality and quantity were discussed. Holdridge questioned if the Committee's function is to decide whether the sewage treatment plant capacity can handle the proposed expansion. Crossroads Commons had been a request before the Committee and engineering became an issue. Walters stated the discussion is straying from what we want to accomplish today. We are discussing the moratorium issue and Walters felt it was bad to pass a moratorium during the update process; we should not hinder expansion.

Schlutter moved to not enact a moratorium during the Sewer Service Plan update and Moore seconded the motion, which passed by voice vote.

4. Discussion/Action on the Stevens Point Urban Area Sewer Service Advisory Committee By-Laws

Bronk stated he is here to speak regarding Article IV – Membership and Administration. He noted the Town of Stockton has not completed its Comprehensive Plan. The by-laws, as currently written, automatically have the Town Chairperson as the representative on this Committee. He would like to see membership be either the head official or another elected official as appointed by the governing body.

Walters read aloud Article IV – Section 2. A. in which it states the governing body shall appoint the chief elected official OR his/her designee. Bronk is asking that the governing body be able to appoint either the chief elected official or another elected official. Holdridge said the Town of Stockton formally appoints its primary and alternate members. Bronk stated he would like the public in Stockton to be able to comment on the appointment to this Committee. Holdridge replied that is left in the hands of Stockton. C. Karcheski noted that he asked that Stockton be included on this Committee and Ron Borski, Stockton Town Chair, agreed. If the City of Stevens Point expands eastward, Stockton will be involved.

Schuler suggested to those present that we take a “beginning to end”, section-to-section approach to reviewing the bylaws, starting with the by-law preamble.

At the time this original SSP was created, there was a contract with the Department of Natural Resources (DNR) as noted in the first sentence of the preamble. Schuler suggested the words 1981 planning contract be replaced with the words ongoing relationship in the first sentence, along with changing the Planning Department reference to Planning and Zoning Department (throughout the by-laws and SSP). The Committee agreed.

Schuler recommended removing the second reference to contract in the by-laws, which would require striking the following words: During the time of this contract. The Committee agreed.

Holdridge questioned the preamble where it discusses the Committee’s function to assist and guide the Planning and Zoning Department. Holdridge stated the Committee does more than advise. Fournier replied the DNR actually has the final say; we as a Committee advise them. Mahoney said that is correct, the Committee advises the DNR and they decide. Gardner noted that the Planning and Zoning Department could make a different recommendation to the DNR than that of the Committee. C. Karcheski offered an analogy that this Committee works similar to a Town Plan Commission, which only advises the Town Board. The Committee agreed to replace assist and guide with provide recommendations to in the preamble.

Schuler referred to Article I – Name of Committee, and asked whether the name should be changed from the Stevens Point reference to Portage County, so that it is a better fit with the recently adopted Portage County Urban Area Comprehensive Plan. Holdridge suggested the name reference the Village of Plover as well. Moore suggested leaving the name as is, with the Stevens Point reference, so the Committee name is clear throughout history. C. Karcheski felt changing the reference to Portage County fits the best. The Committee agreed to leave the name as is.

Schuler stated Article II – Authority and Purpose still applies; no need for changes. The Committee agreed.

In Article III – Functions and Responsibilities, Section 1. A. Schuler suggested removing the following words: or Plan of Work for completion within the time period required by the Contract between the County and the DNR. The Plan of Work shall be an attachment to the by-laws, as found in the last sentence of A. The Committee agreed.

Mahoney referred to Article III – Section 1. B. and asked whether waste treatment plant expansions have ever been reviewed by the Committee as noted in B. Walters noted there have been several expansions. Fournier questioned whether this Committee should be reviewing these. Schuler noted B. refers to Section NR 121 of the Administrative Code and during the original development of the SSP it may have been felt that whatever changes in a 201 Plan affects a 208 Plan. Holdridge stated he felt that certain things need to be left to municipalities, unless the plant expansion is due to a sewer boundary expansion, which does come before the Committee. Moore clarified this addresses not only plant expansions, but additional plants. Mahoney added that this issue is controlled and monitored by the DNR and Walters concurred.

Gardner felt the question is, are we going to consolidate treatment plants, and is this Committee going to get into this. Walters stated the DNR has stringent rules and regulations; this issue is heavily regulated now. Schuler added that at some level, it is important to have capacity information available so sewer service boundary lines make sense. The Committee does not deal with actual expansions, but the need may come due to a boundary adjustment request. Schlutter stated the flow and treatment is in a request and Schuler noted that is how it is handled now. Holdridge felt independent analysis could be required.

Schuler noted that Crossroads Commons may not have even been discussed, if the SSP had been updated all along. Individual requests would not have bumped out sewer service boundaries. Holdridge felt if the SSP is updated, there could still be requests with larger flows needed. Schlutter noted the Village of Plover Comprehensive Plan addresses 40's that could be added over time before treatment plant expansion would become necessary. Holdridge questioned how that was done when you could have a hotel versus a grocery store coming into the area and each requires very different flows.

Gardner suggested striking and waste treatment plant expansions from B. and replace those words with based upon wastewater treatment plant capacity. Gardner further noted that if this is a requirement of NR121, then we **should also take the position that having three independent treatment plants is the most efficient urban wide system, reaffirming the original 201 study.** ~~have done it.~~ The Committee agreed.

Mahoney suggested adding Sewer Service in front of the word plan in Article III, Section 1. C. and the Committee agreed.

Fournier referred to Article III, Section 1. D. and asked whether the Committee has ever directed a public participation and information program within the Stevens Point urban area consistent with NR 121.08(1)(a). Schuler then read aloud NR 121.08(1)(a). The Committee agreed to replace D. in Article III, Section 1 with the actual wording of NR 121.08(1)(a).

The Committee went on to Article IV – Membership and Administration, Section 1. Holdridge suggested adding the Town of Stockton to the Committee as a voting member and Mahoney noted the Village of Plover agrees. Fournier brought up a possible concern that the Town of Stockton has not completed its Comprehensive Plan. Bronk noted the Town Board in Stockton took over the plan process and there is a public hearing set for September 21. He is confident the Plan will pass. Mahoney felt you could make Stockton's membership contingent upon the passing of their Comprehensive Plan. Holdridge stated having a completed Comprehensive Plan is not a requirement to be a member of this Committee. C. Karcheski felt it was time to add the Town of Stockton.

Fournier asked if there was consensus by the Committee to add Stockton as a member. Moore asked how many voting members there would be and C. Karcheski replied eight. Committee members agreed to add the Town of Stockton as a voting member.

Gardner noted in the August 3, 2006 minutes, the Town of Linwood expressed interest in remaining a voting member of the Committee. C. Karcheski stated the Town of Linwood abuts the City of Stevens Point and possible expansion could take place. He further noted that County Road HH will be extended cross country to the new Highway 10 bypass. This would take County Road HH through the Towns of Linwood and Carson. He also stated that County Road P will become Highway 66. With these major road changes in Linwood there may be potential sewer and water needs. Schlutter asked whether Linwood had sewer and water at this time and C. Karcheski replied no, none; but it has been installed in the County Road HH bridge over the Wisconsin River. Gardner clarified that sewer and water has not been installed on the County Road HH bridge; only the capability is there by having hangers to secure future pipes installed on the bridge. The City of Stevens Point did not spend the money installing sewer and water in that area.

Mahoney asked whether the Stevens Point Comprehensive Plan identifies growth to the west side. Gardner replied not much due to bedrock conditions. C. Karcheski felt if it is provided, Linwood would have growth. Gardner stated the cost of sewer and water would be too expensive when compared to expanding to the Towns of Hull or Stockton.

Schlutter asked what the criteria are for membership on the Committee. Schuler answered that when the original sewer service studies were done, those municipalities in the study area made up the Committee.

C. Karcheski noted the City of Stevens Point has a 3-mile extraterritorial jurisdiction in Linwood. Mahoney asked if the Linwood Land Use Plan indicates sewer service needs. The Stevens Point Plan shows no sewer and water growth in Linwood. Does Linwood see a future impact? Mahoney stated he would support Linwood being a part of the Committee, if they foresee an impact. T. Karcheski stated that Linwood will be affected in time with the railroad, etc. being located there. Mahoney stated, if that would actually happen, then Linwood could be added to the Committee at that time. Holdridge asked what would happen if there was a public health issue. Mahoney noted this decision involves sewer, not water. Holdridge questioned whether you would have sewer without water and Fournier noted that is the situation in the Village of Park Ridge. Holdridge asked what would happen if Park Ridge had bad water and Gardner replied with many choices to solve that problem. Walters reminded Holdridge this Committee deals with effluent, not water. The DNR has set that rule down for us. Gardner stated Stevens Point has no problem with Linwood having input, but Stevens Point does not show expansion into Linwood. Gardner suggested Linwood could continue to be a part of this process, in order to stay informed, but could not vote until such time that there is impact to Linwood. This way, Linwood would be kept up to speed. C. Karcheski stated that is fine with him. Holdridge felt that is a hybrid position. He asked who can project future expansion needs. Holdridge stated he is in favor of keeping Linwood on the Committee as a voting member. Schlutter stated that Linwood has been a member since 1983 with no expansion into Linwood to date. Schlutter felt the criteria to be a member was to have sewer service or plan to have it. Moore noted there are no criteria to remove a member.

Fournier asked members to roll call vote on whether Linwood should remain a member of this Committee. He called upon Walters. Walters said that changing Committee membership impacts the weighted voting structure. We may need a new structure to accommodate that. Moore stated he is uncomfortable, as the City's representative, voting on this issue prior to conferring with Mayor Wescott. The Committee agreed to hold off on this decision until the next meeting.

Holdridge referred back to adding Stockton to the Committee and questioned the criteria used to add Stockton. Gardner reiterated that Stevens Point's plan indicates growth to the Town of Stockton. Schlutter added that the Village of Plover expected growth also goes to Stockton's boundary. C. Karcheski wondered why the bedrock issue limits the possibility of sewer and water in Linwood, yet the gas pipeline went through the township. Holdridge questioned why the City would invest the additional cost on County Road HH for the capability of sewer and water. Gardner clarified the City's investment was a minimal expense.

Gardner referred to Article IV, Section 2. A. – Principal Representative. He noted this section indicates the governing body shall appoint its chief elected official. Walters stated a township, for instance, may not want to appoint the chief elected official. Schuler noted the Common Council must appoint the designee as well as the chief elected official. Bronk reiterated that the section does say "shall appoint the chief elected official". Holdridge stated this Committee should be made up of elected officials.

Bronk brought forward suggested wording that would not automatically appoint the municipality's chief elected official. The Committee agreed to Bronk's suggestion. Therefore, the following words were stricken from A.: its chief elected official or his/her designee as their principal representative to the Committee; and the following words take their place: (at its discretion) its chief elected official or a representative elected by a majority vote of the governing body. Also, the Committee agreed to remove the wording for the chief elected official and replace it with as the principal representative in the last sentence of the same paragraph A.

In Article IV, Section 2. B. – Alternate Representatives, Walters suggested removing the reference to chief elected official or his/her designee and replacing that with principal representative in the first sentence. The Committee agreed.

Moving on to Article IV, Section 2. C. – Term of Appointment, Walters suggested changing the membership term from one year to two years; the same as an elected official's term. Gardner suggested wording reflect as long as the member remains in office. Holdridge suggested three years. Mahoney asked why there is a limit and he suggested letting that determination fall onto the municipality itself.

After short discussion, the following was removed from C: of one year, unless sooner replaced, and replaced by: designated by the local governing body.

Referring back to Article IV, Section 2. B. – Alternate Representatives, Walters suggested adding the following to the end of B: A list of alternate members will be maintained by the Planning and Zoning Department. The Committee agreed.

Article IV, Section 2. D. – Participation was completely eliminated by agreement of the Committee.

Under Section 3 – Ex-Officio Members, Walters suggested changing the reference “his” to “his/her”, so as not to suggest the Director of Planning and Zoning will always be male. Fournier agreed that the document should be kept gender neutral. C. Karcheski suggested changing the reference from the Director to the Department. Holdridge clarified the Director is the designee

Fournier suggested the document remain gender neutral and the Committee agreed.

Mahoney suggested a letter D be added to this Section addressing the fact that the Planning and Zoning Department Director puts together a report to this Committee for each request. Past reports established whether necessary criteria were met with the request. This is not to be a recommendation, but it does discuss whether or not criteria were met. Holdridge asked whether the report was based on standards and Mahoney replied yes. Schuler clarified the report commented on how well information provided meets SSP criteria. Holdridge felt that is an important report. The Committee agreed that Schuler should craft language to address this report and bring it back for action.

Mahoney referred to Section 4 – Officers, paragraph C – Selection of Officers. He then suggested clarifying that the voting process for selection of officers is not a weighted vote, but rather a simple majority. The Committee agreed to add the word simple in front of majority vote in the second sentence of C.

Holdridge asked whether there is reference in the by-laws that the Committee utilizes the provisions of Roberts Rules of Order. Moore responded that is addressed in Article V – Meetings, Section 3 – Conduct of Meetings. Fournier noted that he approves the agenda prior to mailing to members and asked that anyone with an agenda item contact Schuler.

Mahoney also suggested deleting the words at their first regular meeting in the first sentence of C. This would leave a simple reference that the Committee selects the Chairperson and Vice-Chairperson. The Committee agreed.

The Committee agreed that letters D and E were to be left as is in Section 4 – Officers.

It was suggested that an addition be made to Section 4 – Officers to address term limits. Schuler was directed to draft language regarding term limits and bring it back to the Committee for action.

The Committee concluded updating the by-laws at Section 4 – Officers, E, and will begin with Section 5 – Subcommittees at October’s meeting.

Schuler noted he has reformulated the weighted voting structure with 2006 population data and the addition of the Town of Stockton as a voting member on the Committee. He asked members to review this weighted voting structure prior to the next meeting where it will be discussed.

5. Adjournment

C. Karcheski moved to adjourn and Schlutter seconded the motion, which passed by voice vote. Meeting adjourned at 6:35 pm.

Respectfully submitted,

Elmer Fournier, Chair

Paula Cummings, Rec. Secretary

Date

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