

June 9, 2022

Lisa Helmuth
Water Resources Management Specialist
Wisconsin Department of Natural Resources
PO Box 7921
Madison, WI 53707

Subject: Fond du Lac 2040 Sewer Service Area Plan Amendment

Track No. 172

Dear Lisa Helmuth:

Please find enclosed a copy of a sewer service area (SSA) amendment request for the Fond du Lac 2040 SSA Plan which was **approved** by the East Central Wisconsin Regional Planning Commission's Community Facilities Committee (CFC) on **June 8, 2022**. This amendment was submitted under Policy I, D by the Town Board of Taycheedah. This involves the addition of 0.59 acres to the Fond du Lac SSA. The Town Board certified that the proposed amendment is required for reasonable community growth to accommodate the addition of a garage and connection to the sewer lateral currently servicing the owner's house. This amendment request is consistent with regard to the amendment criteria outlined in the Fond du Lac 2040 SSA Plan.

Attached is the staff memo, the amendment application, location map, and the CFC Draft Meeting Minutes. This information will also be uploaded to SWIMS.

If you require any additional information or have any questions, please contact me at wpaustian@ecwrpc.org or at 920-886-6832.

Sincerely,

Wilhelmina Paustian

Wilhelmina Paustian
Senior Planner

att: Staff Memo to the CFC
Amendment Application
Location Map
CFC Draft Meeting Minutes

cc: Kevin Englebert, ECWRPC
Melissa Kraemer Badtke, ECWRPC
Tim Asplund, WDNR

TO: Community Facilities Committee
FROM: Wilhelmina Paustian, Senior Planner
DATE: May 27, 2022
RE: Fond du Lac SSA Plan Amendment Request – Track No. 172

The Town Board of Taycheedah has submitted a request to amend the Fond du Lac Sewer Service Area (SSA) to include 0.59 acres of vacant agricultural land owned by Joshua and Alexis Berndt (see Land Use table below). The Berndt’s plan to install a small bathroom in a new garage on the 0.59 acres which will connect to the sewer lateral currently servicing their house.

The proposed garage follows the locally adopted land use plans for residentially zoned land. The proposed amendment was submitted under Policy I, D to expand the SSA and increase acreage to accommodate reasonable growth. The Town of Johnsburg Sanitary District No. 1 approved the petition on May 5, 2022 and the Town Board certified the petition on May 9, 2022.

There are no environmentally sensitive areas located on the property to be included in the Fond du Lac 2040 SSA Plan.

Fond du Lac SSA Amendment - Track 172	
Land Use	Additional Acres
Agricultural	0.59
Total Acreage	0.59

Based on the review of this amendment submittal, staff has determined that the proposed Fond du Lac SSA Amendment follows ECWRPC’s amendment criteria and is consistent with the Fond du Lac 2040 SSA Plan.

Staff Recommendation: Staff recommends that the Community Facility Committee approve the SSA Amendment request for Track No. 172.

**STATE OF WISCONSIN FOND DU LAC
COUNTY SANITARY DISTRICT NO. 1 OF THE
TOWN OF JOHNSBURG**

In the Matter of
Addition of Property to the Sanitary
District No. I of the Town of Johnsburg

**PETITION FOR ADDITION OF PROPERTY TO SANITARY
DISTRICT**

TO: Town Board of Town of Taycheedah

Joshua E. Berndt and Alexis J. Berndt being first duly sworn on oath, state as follows:

1. We own certain property in the Sanitary District No. 1 of the Town of Johnsburg ("the district"), described as:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 16 North, Range 18 East, Town of Calumet, Fond du Lac County, Wisconsin, and being described by: Commencing at the South Quarter corner of said Section 1; thence South 89° 37' 03" West along the South line of the Southwest 1/4 of said Section 1, a distance of 554.55 feet to the Southwest corner of Lot "A" of Certified Survey Map No. 97, as recorded in Volume 1 of Certified Survey Maps on Page 97, as Document No. 235419 of Fond du Lac County Records and the point of beginning; thence continue South 89° 37' 03" West along said South line, a distance of 130.00 feet; thence North 02° 07' 03" East, 214.67 feet; thence

North 89° 37' 03" East 130.00 feet to Northwest corner of said Lot "A"; thence South 02° 07' 03" West (recorded as North 03° 30' East) 214.67 feet to the point of beginning; being subject to any and all easements and restrictions of records.

2. A survey showing the area and boundaries of the land to be included in the district is identified as Parcel A in the survey attached hereto as Exhibit A. The property shall hereinafter be referred to as "Parcel A".

3. We intend to build a garage on Parcel A as illustrated on the aerial photo of Parcel A attached hereto as Exhibit B.

4. We intend to install a small bathroom in the garage and connect the plumbing to the sewer lateral currently serving our house at N9306 County Road W, Fond du Lac, WI 54937. The approximate location of the sewer lateral serving our house is illustrated on the map attached hereto as Exhibit C.

5. Parcel A is located outside the district and so it is necessary for Parcel A to be added to the district to allow us to obtain a sanitary permit to allow the plumbing in the garage to be connected to the sewer lateral currently serving our house.

6. Parcel A is also located outside the current Sewer Service Area for Fond du Lac County as set forth in the Fond du Lac 2040 Sewer Service Area Plan that was adopted on June 24, 2019 by the East Central Regional Planning Commission. A copy of the current Sewer Service Area Map for Fond du Lac County is attached hereto as Exhibit D. Exhibit E is a zoomed-in portion of the Service Area Map showing the boundary established for the Town of Johnsburg, showing Parcel A as being outside of the Sewer Service Area.

7. In accordance with Chapter 5, Section III.A. of the Fond du Lac Sewer Service Area Plan dated June 5, 2021, the Board of the Town of Taycheedah would need to request the East Central Planning Commission to amend the Sewer Service Area to include Parcel A. A proposed letter request is attached hereto as Exhibit F.

8. We are willing to pay the \$250.00 SSA amendment review fee as set forth in the attached SSA Review Payment Form attached hereto as Exhibit G.

9. For the reasons stated above, we ask that Parcel A be added to the district in accordance with Wis. Stat. § 60.785(1)(a) and Wis. Stat. § 60.71 for the following reasons:

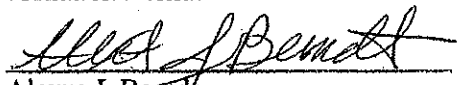
- a. It is necessary to include Parcel A within the district to allow our garage to be connected to the sewer lateral currently serving our house;
- b. Our health, safety, convenience, and welfare will be promoted by including Parcel A in the district.
- c. We have obtained the consent of Phillip E. and Karen DuWell, who are the adjoining land owners to Parcel A and for Parcel A to be included within the district.
- d. We request that the Board sign the attached letter request to amend the Sewer Service Area to include Parcel A.

WHEREFORE, petitioners request that the above described property be included in the district, contingent upon the approval of the East Central Wisconsin Regional Planning Commission approving the application as stated above, and that all taxing authorities and the Fond du Lac County real estate description office be advise of the inclusion.

Dated this 15th day of March 2022



Joshua E. Berndt



Alexis J. Berndt

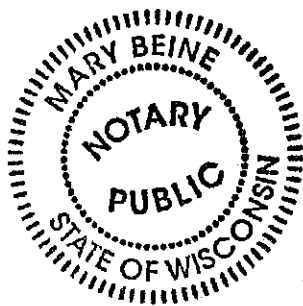
VERIFICATION

STATE OF WISCONSIN)

)ss.

FOND DU LAC COUNTY)

Subscribed and sworn to before me this 15th day of March, 2022, the above-named **Joshua E. Berndt** and **Alexis J. Berndt**, to me known to be the persons who executed the foregoing document and acknowledged the same.



Notary Public, State of Wisconsin

My Commission expires: 6.24.2022

**STATE OF WISCONSIN FOND DU LAC
COUNTY SANITARY DISTRICT NO. 1 OF THE
TOWN OF JOHNSBURG**

In the Matter of
Addition of Property to the Sanitary
District No. I of the Town of Johnsburg

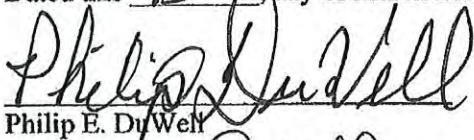
CONSENT OF ADJOINING LAND OWNERS

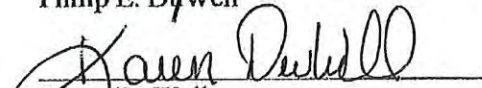
TO: Town Board of Town of Taycheedah

Philip E. DuWell and Karen DuWell, state as follows:

1. We own certain real Property in the Town of Calment, Fond du Lac County, Wisconsin, identified as Tax Parcel No. T05-16-18-01-12-011-00.
2. We have reviewed Joshua E. Berndt and Alexis J. Berndt's Petition, requesting that their land be included in the Sanitary District No. 1 of the Town of Johnsburg.
3. Our land borders the northern and western sides of Parcel A as identified on the survey attached to the Petition as Exhibit A.
4. We consent and approve of Joshua E. Berndt and Alexis J. Berndt's request for Parcel A. to be included within the Sanitary District No. 1 of the Town of Johnsburg.

Dated this 15 day of March 2022


Philip E. DuWell

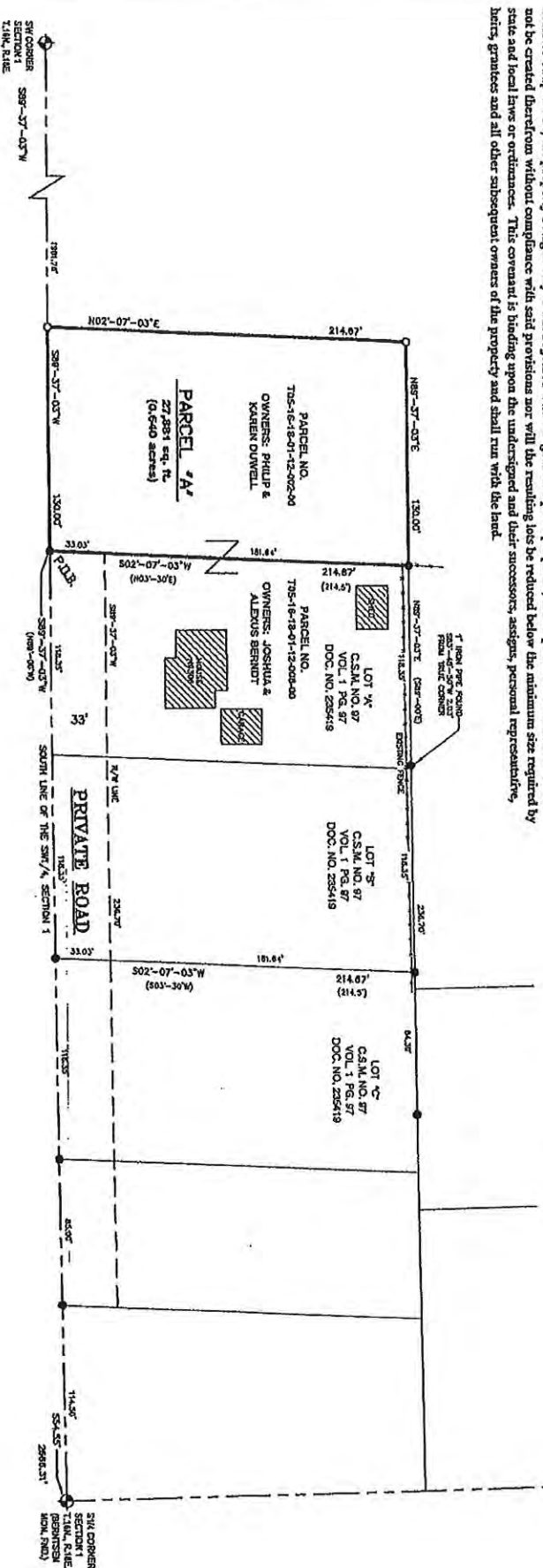

Karen DuWell

PARCEL 'A'
(Dwelt to Bernd)

CERTIFICATE OF SURVEY
PART OF THE SE 1/4 OF THE SW 1/4 OF SECTION 1,
T. 16N., R. 18E., TOWN OF CALUMET, FOND DU LAC COUNTY, WISCONSIN

Part of the Southeast Quarter (SE 1/4) of the Southwest Quarter (SW 1/4) of Section One (1), Township Sixteen (16) North, Range Eighteen (18) East, Town of Calumet, Fond du Lac County, Wisconsin containing 27,881 square feet (0.640 acres) of land and being described by:
Commencing at the South Quarter Corner of said Section 1; thence S89°-37'-43"W along the South Line of the SW 1/4 of said Section 1, a distance of 554.55 feet to the Southwest Corner of Lot 'A' of Certified Survey Map No. 97 as recorded in Volume 1 of Certified Survey Maps on Page 97 as Document No. 235419 of Fond du Lac County Records and the point of beginning; thence continue S89°-37'-43"W along said South Line, a distance of 130.00 feet; thence N02°-07'-03"E 214.67 feet; thence N89°-37'-43"E 130.00 feet to Northwest Corner of said Lot 'A'; thence S02°-07'-43"W (recorded as N03°-30'7"E) 214.67 feet to the point of beginning; being subject to any and all easements and restrictions of record.

This is a conveyance between adjoining landowners. For the purposes of the Fond du Lac County Subdivision Ordinance and Wisconsin Statutes Chapter 236, the property being conveyed will be joined with the grantee's principal parcel, as one parcel and additional lots will not be created therefrom without compliance with said provisions nor will the resulting lots be reduced below the minimum size required by state and local laws or ordinances. This covenant is binding upon the undersigned and their successors, assigns, personal representatives, heirs, grantees and all other subsequent owners of the property and shall run with the land.



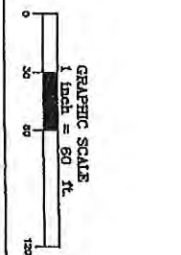
- LEGEND-
- = 1" IRON PIPE FOUND
 - ⊙ = 1" IRON PIPE FOUND, 154 LBS. PER LINEAL FT.
 - ⊚ = 1" IRON PIPE FOUND
 - ⦿ = FOND DU LAC CO. P.L.S.S. COR.
 - ⊠ = RECORDED INFORMATION

SURVEYORS CERTIFICATE
I, Gregory A. Bielch, Registered Land Surveyor of Wisconsin, do hereby certify that the above described parcel and the map thereon is a true and correct representation of the land as shown and being described in the certificate hereon.

Dated this 20th day of October, 2009.

Gregory A. Bielch
LAND SURVEYOR

BRADLEY A. BIELCH
SECTION 1
CALUMET
WISCONSIN
LAND SURVEYOR



MERIDIAN SURVEYING, LLC
2020 Hudson Street, Office: 920-853-0881
New Hartford, WI 53055 Fax: 920-273-6037

BOOK No.	2009	SHEET	1	OF	1
CHECKED BY	BS	FIELD BOOK			
DRAWN BY	ELB	FIELD BOOK			
DATE	12/05				

SURVEYED FOR:
JOSHUA & ALEXUS BERND
11111 W. 54357
POND DU LAC, WI
TNS-16-18-01-12-008-00

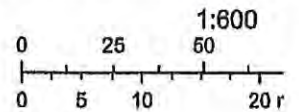
BEARINGS REFERENCED TO THE SOUTH LINE OF THE SW 1/4 SECTION 1 ASSIGNED 549°-37'-12" BY FOND DU LAC COUNTY RECORDS



Fond du Lac County, WI



2021



Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey



N9306
 GARRY K FREUND
 PATRICIA S FREUND
 T05-16-18-01-12-008-00

GARRY K FREUND
 PATRICIA S FREUND
 T05-16-18-01-12-009-00

N9304
 EARL W SCHMITZ
 T05-16-18-01-12-010-00

N9302
 ROBERT S FREUND
 T05-16-18-01-12-007-00

NO SANITARY
 LATERAL
 CONNECTION

FF-952.64
 SRVCH-948.51
 BSMT-945.54

FF-952.53
 SRVCH-948.53
 BSMT-945.03

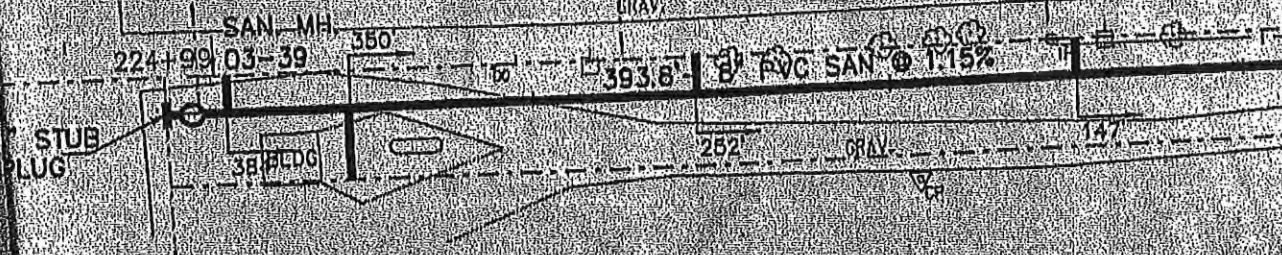
FF-956.89
 SRVCH-948.15

[W]

[W]

[W]

ASPH



JOHNSBURG ATHLETIC CLUB
 INC
 T20-16-18-12-05-002-01

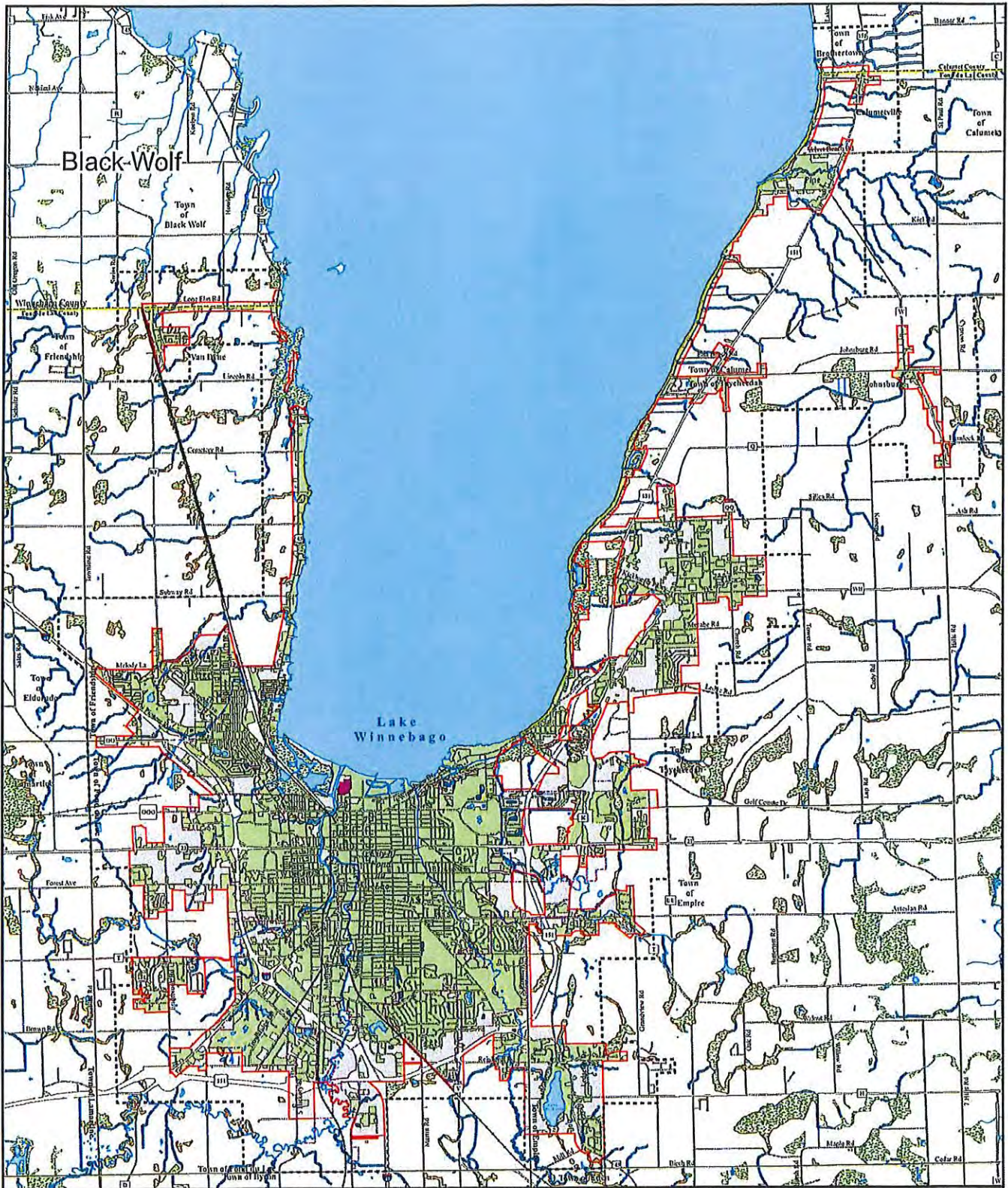
NOTE:
 PROPERTY LINES DEPICTED ON THE PL
 FROM FOND DU LAC COUNTY GIS FILE
 ONLY. MAY NOT REFLECT ACTUAL LOT



N9304-FF

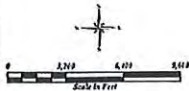
N9302-FF





FOND DU LAC SEWER SERVICE AREA

- | | | |
|--------------------------------|--------------------------------|---------------------------------|
| LOCAL BOUNDARIES | EXISTING SSA CONDITIONS | ENVIRONMENTAL CONDITIONS |
| --- City Corporate Limits | Developed Areas Within SSA | WDRR Designated Wetlands |
| - - - Village Corporate Limits | Undeveloped Areas Within SSA | 75 Foot Stream Buffer |
| --- Township Boundary | Wastewater Treatment Facility | 50 Foot Wetland Buffer |
| --- County Boundary | Stormwater Detention Facility | Streams |
| | Sewer Service Boundary Line | |
| | Planning Area Boundary Line | |

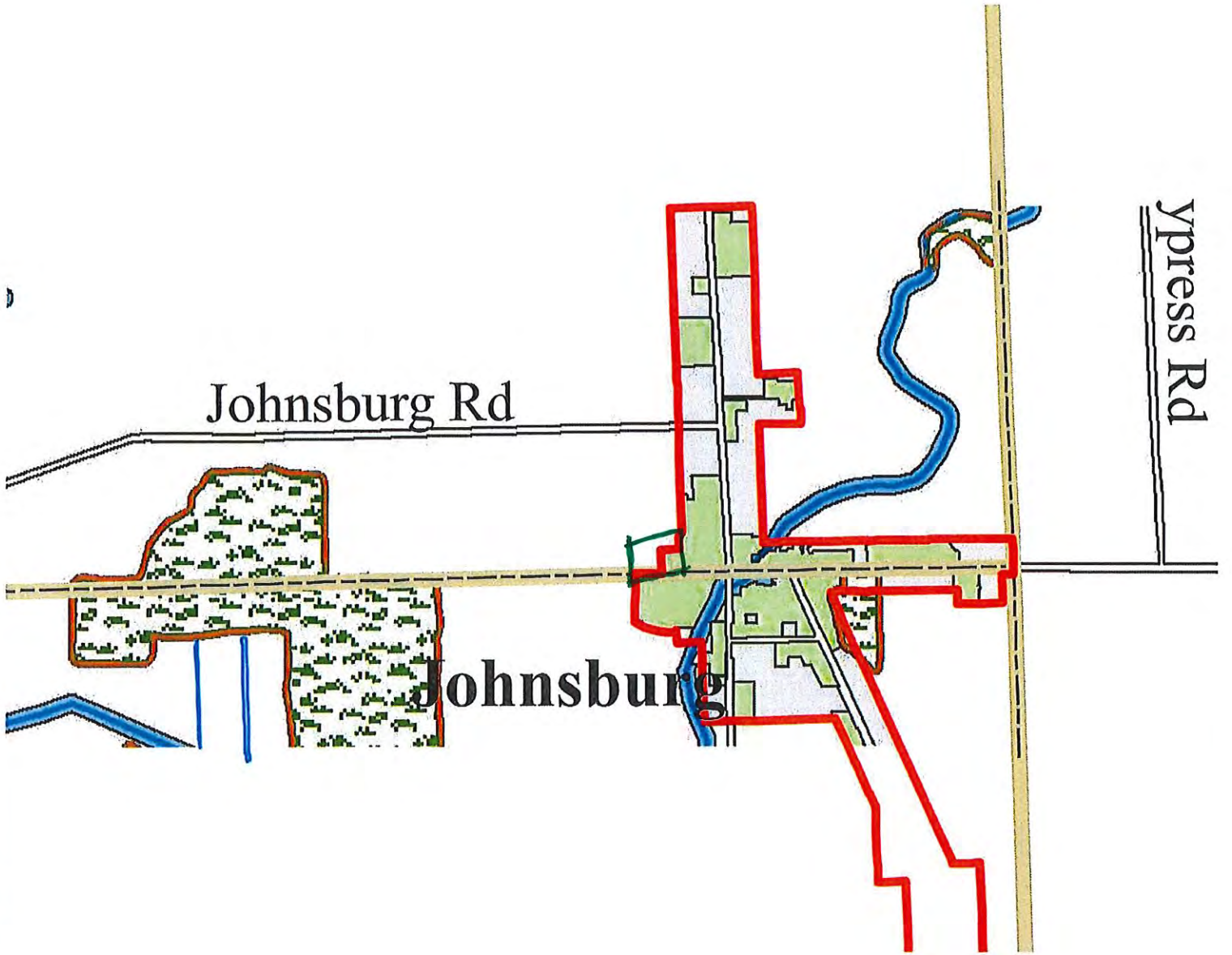


East Central Wisconsin Regional Planning Committee
ECWRPC
 Center for the Environment
 500 Wisconsin Avenue, Suite 200
 Fond du Lac, WI 54601
 Phone: 920.221.1111

MAP AMENDMENTS			
NO.	DATE	DESCRIPTION	STATUS
1	11/11/11	Initial Map	Final
2	03/14/12	Clarification of Sewer Service Boundary	Final
3	05/01/12	Clarification of Sewer Service Boundary	Final
4	08/01/12	Clarification of Sewer Service Boundary	Final
5	08/01/12	Clarification of Sewer Service Boundary	Final
6	08/01/12	Clarification of Sewer Service Boundary	Final
7	08/01/12	Clarification of Sewer Service Boundary	Final
8	08/01/12	Clarification of Sewer Service Boundary	Final
9	08/01/12	Clarification of Sewer Service Boundary	Final
10	08/01/12	Clarification of Sewer Service Boundary	Final
11	08/01/12	Clarification of Sewer Service Boundary	Final
12	08/01/12	Clarification of Sewer Service Boundary	Final
13	08/01/12	Clarification of Sewer Service Boundary	Final
14	08/01/12	Clarification of Sewer Service Boundary	Final
15	08/01/12	Clarification of Sewer Service Boundary	Final
16	08/01/12	Clarification of Sewer Service Boundary	Final
17	08/01/12	Clarification of Sewer Service Boundary	Final
18	08/01/12	Clarification of Sewer Service Boundary	Final
19	08/01/12	Clarification of Sewer Service Boundary	Final
20	08/01/12	Clarification of Sewer Service Boundary	Final

Wisconsin Department of Natural Resources Certificate Date - June 8, 2011





tabbles®
EXHIBIT
E

TOWN OF TAYCHEEDAH

Taycheedah Town Hall
W4295 Kiekhaefer Parkway,
Fond du Lac, WI 54937

April 7, 2022

East Central Wisconsin Regional
Planning Commission
400 Ahnaip St Suite 100
Menasha, WI 54952

**RE: Amendment to Fond du Lac Sewer Service Area Plan
Dated June 5, 2021**

To Whom it May Concern,

Pursuant to Chapter 5, Section III.A, of the Fond du Lac Sewer Service Area Plan dated June 5, 2021 (the "Plan"), this letter is a request to amend and modify the boundaries of the septic sewer service area for Fond du Lac County (the "SSA"). This letter is being written to you after this Board has approved the attached petition by Joshua E. Berndt and Alexis J. Berndt, (the "Berndts"), who are the owners of certain real property located in the Sanitary District No. 1 of the Town of Johnsborg, described as:

Part of the Southeast 1/4 of the Southwest 1/4 of Section 1, Township 16 North, Range 18 East, Town of Calumet, Fond du Lac County, Wisconsin, and being described by: Commencing at the South Quarter corner of said Section 1; thence South 89° 37' 03" West along the South line of the Southwest 1/4 of said Section 1, a distance of 554.55 feet to the Southwest corner of Lot "A" of Certified Survey Map No. 97, as recorded in Volume 1 of Certified Survey Maps on Page 97, as Document No. 235419 of Fond du Lac County Records and the point of beginning; thence continue South 89° 37' 03" West along said South line, a distance of 130.00 feet; thence North 02° 07' 03" East, 214.67 feet; thence

North 89° 37' 03" East 130.00 feet to Northwest corner of said Lot "A"; thence South 02° 07' 03" West (recorded as North 03° 30' East) 214.67 feet to the point of beginning; being subject to any and all easements and restrictions of records.



The Berndts have requested that our Board submit a request to amend the SSA to include approximately 0.6 acres of vacant land which they have purchased and intend to build a garage on, ("Parcel A"). The Berndts have petitioned the Town of Taycheedah to include Parcel A in the Johnsborg Sanitary District, since the land is currently outside the boundaries of the district. However, Parcel A is also outside the current boundary of the SSA.

As set forth in the attached petition, the Berndts wish to connect a toilet, sink, and six floor drains in the exterior garage to the sewer lateral that is currently serving their house, located at N9306 County Road W, Fond du Lac, WI 54937. The Berndts' house is located within the SSA and the Johnsborg Sanitary District. Building the garage is a unique and unanticipated facility, which would serve the Berndts who are members of the local community. Adding Parcel A to the SSA to allow the Berndts to connect the garage to the Johnsborg Sanitary District would have minimal impact on the Johnsborg Sanitary District and the environment. Finally, Parcel A is zoned residential and the Berndts' intent to build an exterior garage is within the locally adopted land use plans for residentially zoned land.

The Board hereby certifies that the proposed amendment is required for the reasonable community growth to allow the Berndts' to build an exterior garage and that the use of Parcel A is within the locally adopted land use plans for Parcel A. In accordance with the Plan, the Town of Taycheedah has received Designated Management Agency ("DMA") status over the relevant area. Given the minimal impact of adding Parcel A to the SSA, we request that East Central amend the SSA boundaries to include Parcel A within the septic sewer area of Fond du Lac County under Chapter 5, Section I Policy D for the following reasons:

- i. The building of the garage is a unique and unanticipated facility, which would serve the Berndts who are members of the local community,
- ii. Adding Parcel A to the SSA to allow the Berndts to connect the garage to the Johnsborg Sanitary District would have minimal impact on the Johnsborg Sanitary district and the environment,
- iii. There would be no increase to the population in the expansion area,
- iv. The wastewater generation in the expansion area would be minimal and would be well within the means of the Johnsborg Sanitary District to handle,
- v. Parcel A is less than 1,000 acres and so the WDNR should approve the amendment and certify the applicable Water Quality Management Plan,
- vi. There are no environmentally sensitive areas within Parcel A, and
- vii. Parcel A has a common boundary with the current SSA, and
- viii. During construction of the exterior garage, the Berndts will be required to comply

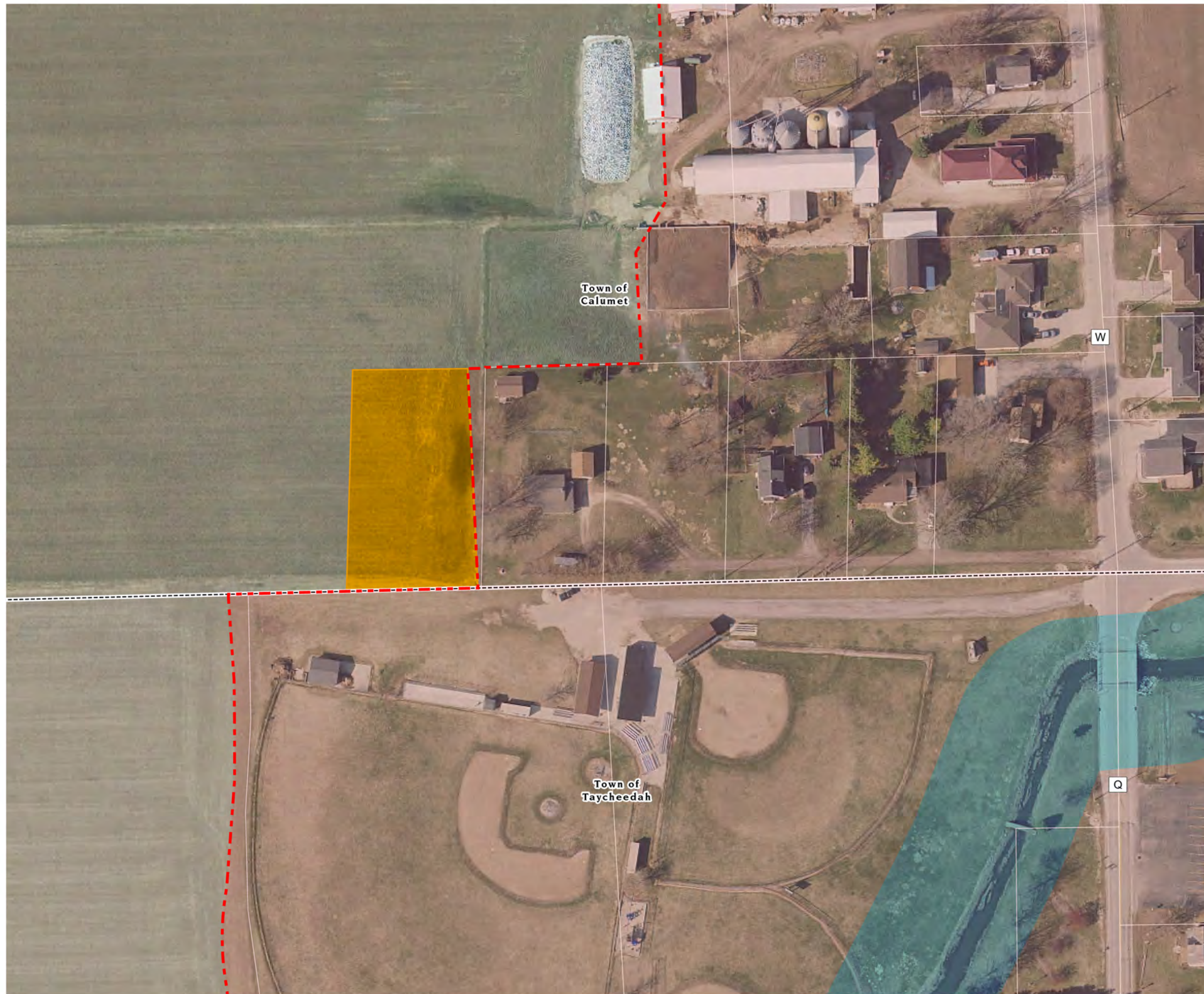
with all applicable rules and regulations regarding stormwater management and construction practices applicable to residential structures.

Sincerely,

TOWN BOARD OF TAYCHEEDAH

Joseph Thome, Chairperson

Map 1 Track 172 SSA Amendment Proposal



- Municipal Boundary
- Proposed Sewer Service Area Addition
- Fond du Lac Sewer Service Area
- Environmentally Sensitive Area
- 75 Foot Stream Buffer

Source:
SSA and ESA data provided by ECWRPC, 2022. Roads, Parcels, and
Municipal Boundaries provided by Fond du Lac County, 2022.



This data was created for use by the East Central Wisconsin Regional Planning Commission Geographic Information System. Any other use/application of this information is the responsibility of the user and such use/application is at their own risk. East Central Wisconsin Regional Planning Commission disclaims all liability regarding fitness of the information for any use other than for East Central Wisconsin Regional Planning Commission business.

PREPARED MAY 2022 BY:



DRAFT
MEETING MINUTES
COMMUNITY FACILITIES COMMITTEE
East Central WI Regional Planning Commission

COMMITTEE MEMBERS: *David Albrecht (Perm Alt for Tom Egan), Aaron Jenson (Perm Alt for Brian Smith), James Lowey, Jeff Nooyen, Brenda Schneider*

Date: Wednesday, June 8, 2022

Time: 10:00 a.m.

Place: Virtual Meeting

1. Welcome and Introductions

Vice Chairperson Schneider called the meeting to order at 10:01 a.m.

2. Roll Call

Committee Members Present:

Brenda Schneider	Fond du Lac County
Jeff Nooyen	Outagamie County
James Lowey	Menominee County
Aaron Jenson (Perm. Alt. for Brian Smith).....	Waupaca County
David Albrecht (Perm. Alt. for Tom Egan)	Winnebago County

Committee Members Absent (Excused):

ECWRPC Guests:

Melissa Kraemer Badtke	Executive Director
Kevin Englebert.....	Deputy Director
Wilhelmina Paustian	Senior Planner
Leann Buboltz.....	Administrative Coordinator

ECWRPC Guests:

Kevin Mraz	Algoma Sanitary District
Lawrie Kobza.....	Boardman & Clark, LLP
Jonathan Smies.....	Godfrey & Kahn, S.C.
Bill Nelson.....	Godfrey & Kahn, S.C.
Steve Gohde	City of Oshkosh Public Works
James Rabe.....	City of Oshkosh Public Works
Mark Mommaerts.....	Village of Harrison
Mary Jo Miller.....	Martenson & Eisele
Tim Asplund.....	WDNR
Gunilla Goulding.....	WDNR

3. Approval of the Agenda/Motion to Deviate

A motion was made by Mr. Lowey and second by Mr. Nooyen to approve of the agenda. Motion carried unanimously.

- 4. Public Comment** – Kevin Englebert-Deputy Director East Central Regional Planning Commission set time restrictions for public comments. Public input limited to 10 minutes per group.

Attorney Jonathan Smies – On behalf of the City of Oshkosh. The City of Oshkosh SSA Amendment will change the DMA status along Witzel Avenue in the City of Oshkosh. The sewer extension plan would allow the City to provide sanitary sewer service to the Wit property, ideally opening in the next few months. Mr. Smies stated that the property is within the City's Corporate boundaries.

Attorney Lawrie Kobza – On behalf of the Algoma Sanitary District No 1. The Algoma Sanitary District opposed the amendment request. Ms. Kobza stated that the City does not need to extend DMA status all the way to Wyldewood Road. In order for the City to provide a connection from Witzel Avenue to the Wit, they would only need to extend DMA status the east of Maryden Road.

Kevin Mraz - Algoma Sanitary District No. 1. Mr. Mraz discussed how the Sanitary District can more cost effectively provide sanitary sewer service to the Wit.

5. Approval of the Minutes of the January 12, 2022 Community Facilities Committee Meeting

A motion was made by Mr. Lowey and seconded by Mr. Jensen to approve as presented. Note – Mr. Nooyen abstained from the vote. Hearing of no further discussion, motion carried unanimously.

6. Announcements –

A. Staff Report – Wilhelmina Paustian, Senior Planner. East Central staff continues to conduct sanitary sewer reviews for conformance with the Water Quality Management Program (WQM). Staff consults with the Wisconsin Department of Natural Resources (WDNR) on various projects to ensure compliance with State Statutes. Staff continues work on the Fox Cities 2030 SSA Plan which was last approved in 2006. Staff met with the Communities in the Fox Cities and the Wastewater Treatment Facilities (WWTF) operators to provide an update on the Plan update process.

B. Approval of the 2022-2023 Community Facilities Committee Meeting Schedule. Mr. Nooyen commented that he supports having the virtual option available.

A motion was made by Mr. Nooyen and second by Mr. Jensen to approve of the schedule. Motion carried unanimously.

7. New Business/Action Items

A. Election of Chair and Vice Chair

Chair: Mr. Lowey nominated Ms. Schneider to serve as Chair by acclamation. Mr. Nooyen second. Motion carried unanimously.

Vice-Chair: Mr. Nooyen nominated Mr. Lowey to serve as Vice-Chair by acclamation. Mr. Jensen second. Motion carried unanimously.

B. Track 171 – Neenah-Menasha 2030 Sewer Service Area Amendment

Request: The amendment was submitted under Policy I, A (acreage swap).

The amendment adds a total of 62.81 acres (Dietz Woodland Road Property) and removes a total of 72 acres (Bartlein Property) for a future development. The information provided by the applicant was thorough and complete with regard to ECWRPC's amendment criteria. Staff recommended that the Community Facilities Committee approve the Village of Harrison's SSA Amendment request for Track No. 171. The applicant notified the property owner to be removed from the SSA of the Amendment request. No formal response from that property owner was received.

A motion was made by Mr. Lowey and second by Mr. Nooyen to approve of the proposed Track 171 SSA Amendment. Motion carried unanimously.

C. Track 172 – Fond du Lac 2040 Sewer Service Area Amendment Request:

The Town Board of Taycheedah has submitted a request to amend the Fond du Lac Sewer Service Area (SSA) to include 0.59 acres of vacant agricultural land. The proposed amendment was submitted under Policy I, D to expand the SSA and increase acreage to accommodate reasonable growth for the property owner to build a garage. The Sanitary District No. 1 of the Town of Johnsburg approved the petition, and the Town Board certified the petition. Staff recommended that the Community Facility Committee approve the SSA Amendment request for Track No. 172.

A motion was made by Mr. Albrecht and second by Mr. Nooyen to approve of the proposed Track 171 SSA Amendment. Motion carried unanimously.

D. Track 173 – Oshkosh 2030 Sewer Service Area Amendment Request:

Change in DMA Status. The City of Oshkosh submitted a request to amend the Designated Management Agency (DMA) boundaries in the Oshkosh 2030 Sewer Service Area (SSA) Plan. The City of Oshkosh requested dual DMA Status along Witzel Avenue with the Algoma Sanitary District, and a change in DMA status along the northern portion of the lot on Witzel Avenue in order to extend sanitary sewer to serve a multi-family housing development called "the Wit." Right now, the Town of Algoma Sanitary District is the sole DMA for both of these locations.

The City of Oshkosh provided documentation that they annexed the property where the Wit is located in March 2018. The City also sent supporting documentation of court proceeding transcripts from April 18, 2022 which indicate the Algoma Sanitary District's injunction is intended to stop the City from affecting the Sanitary District's current infrastructure and not to prevent the City from extending service to the Wit.

Recently, the Algoma Sanitary District was granted a temporary injunction relating to certain proposed sanitary sewer construction plans issued by the City of Oshkosh in this area. Commission staff stated that they are aware of the current court proceedings and that they intend to follow any legal decisions that arise with respect to the SSA Plan. It is also the responsibility of the City of Oshkosh and the Algoma Sanitary District to follow the court rulings and the applicable law to service sanitary sewer customers and construct sewer lines in this area.

Staff also noted that Lawrie Kobza, from Boardman & Clark, sent a letter stating that the Algoma Sanitary District objects to this Amendment request made by the City of Oshkosh. In addition, the Algoma Sanitary District submitted a cost-effective alternative proposal. The Sanitary District stated that they can serve the Wit in a more cost-effective manner using existing sewer main infrastructure.

Commission staff has been in close contact with WDNR regarding this amendment and is following WDNR's guidance regarding this request. At this time Staff did not have a recommendation for the Community Facility Committee.

Mr. Nooyen inquired to hear where the DNR stands on this. Mr. Englebert shared that his understanding is that the DNR will wait to see how the Committee handles this kind of amendment prior to making a decision. The WDNR ultimately makes the final decision on the amendment request.

Mr. Asplund - DNR agreed with Mr. Englebert and shared that the Commission acts on behalf of the DNR in administering the Clean Water Act and the State Statutes. The DNR will use the findings of this process as one aspect of their review regarding this matter. Mr. Englebert shared that there is an appeal process following the DNR's review and action, which can be outlined in more detail if that situation arises.

A motion was made by Mr. Nooyen and second by Mr. Albrecht to approve the proposed Track 171 SSA Amendment. Discussion – Chair Schneider stated her thoughts of the process procedure that typically a building permit does not get issued prior to knowing who would serve the structure. Ms. Paustian stated that the intergovernmental agreement was between the City of Oshkosh and Town of Algoma. Motion carried with Chair Schneider voting nay due to the lawsuit that is currently active.

8. Informational/Discussion Items

County Roundtable Discussion – Mr. Albrecht apologizes for being late due to poor weather conditions.

9. Establish Time and Place for Next Commission Meeting

- A. *The next Community Facilities Meeting will take place Wednesday, September 14, 2022 at 10:00 a.m. Further details will be forthcoming.*
- B. *The next Quarterly Commission Meeting will take place Wednesday July 27, 2022 at 10:00 am. Held at the city of New London- Municipal Building. Further details will be forthcoming.*

10. Adjourn – A motion was made by Mr. Jensen and second by Mr. Albrecht to adjourn. Time noted at 10:57 a.m.

Respectfully submitted
Leann Buboltz – ECWRPC Administrative Coordinator