

Approved at the March 20th, 2013 Regular Town Board Meeting.

**TOWN OF ALGOMA
WINNEBAGO COUNTY, WISCONSIN
MINUTES FOR SPECIAL TOWN BOARD MEETING
STORMWATER MANAGEMENT**

Wednesday, March 6th, 2013 at 5:30 PM
Algoma Town Hall
15 N. Oakwood Road, Oshkosh, WI 54904

1. Call to order.

The meeting was called to order by Chairman Blake at 5:30 PM.

2. Roll call.

Chairperson Blake	Supervisor Hamann
Supervisor Timm	Supervisor Drexler
Supervisor Kierszh	Atty. K. Marone
Treasurer Edson	Clerk Nelson
Road/Drainage Coordinator Tollard	

3. Approve minutes from the previous Stormwater Management Meeting, January 15, 2013.

Motion to approve by Kierszh/Hamann with a few minor corrections. No further discussion. Motion carried in a voice vote, 5-0.

At this time, Chairman Blake turned the meeting over to Mr. Shubak of Strand Associates, the town engineer.

4. Discuss Honey Creek Improvements - Oakwood Road Culvert Replacement.

a. County Funding Aid Petition Discussion with Ernest Winters, Winnebago County High Commissioner.

Mr. Shubak explained that Mr. Winters from Winnebago County is here tonight to discuss any questions the Town Board had regarding the County Funding Aid Petition. This is a good opportunity to get any comments or questions answered prior to the town sending the formal petition to the county. Mr. Shubak knows there was a request/concern from the Town Board about bidding the project in 2013 and doing the work in 2013, but getting reimbursed by the county in 2014. This has been discussed in past meetings and something Mr. Shubak has discussed with Mr. Winters. This has not been done by the county in the past and is not their protocol. However, if it is a reasonable request and if the request is made, Mr. Winters is here to discuss how to go about it.

Mr. Winters introduced himself and explained to the board that Winnebago County has an approval policy for this program which is based off of state statutes. These statutes allow counties to administer this program, which most counties do. Fond Du Lac County does not offer this program Mr. Winters was the Highway Commissioner there for 13 years prior to coming to Winnebago. This program is new to Mr. Winters as he had only been with Winnebago County a year. The County Board does have a policy that dictates that the petition be submitted in the calendar year preceding the

year that work is to be done. Mr. Winters is not the final nor the formal answer to this question, he can only educate on the policy. If the board were to ask for special favor by allowing the work to be done in 2013 and the county reimburse the money in 2014, Mr. Winters feels the policy would have to be re-written to enable that same ability to all the towns in the county. This program really comes down to the county budget process.

Discussion ensued regarding Drexler asking Mr. Winters how many times he was approached by the town on this issue. Mr. Winters indicated that he was approached a few times in casual conversation, but nothing formally. Mr. Winters understands the town wants to get this culvert replaced, but doesn't believe the culvert falls under the county's emergency policy. The emergency policy is for situations where the road is washed out or the culvert caved in and the road is unable to be traveled on. The reason Mr. Winters was invited tonight because Mrs. Drexler had met with Mr. Winters individually, and the rest of the board wanted to hear from Mr. Winters and have the ability to ask him questions. It was also dictated by the December 19th, 2012 Town Board Meeting to invite Mr. Winters to a Stormwater Management Meeting.

Mr. Winters received a copy of the draft letter dated December 13, 2012 with the request of the Town Board to have the work done in 2013 and be reimbursed by the county in 2014. Mr. Winters and Mr. Shubak did have conversation about the letter and Mr. Winters did understand this letter to be a draft, not the formal petition. The intent was to get Mr. Winters opinion as to how it weighs out. Atty. Marone explained that the state statute is very general, it doesn't give specifics, and it doesn't bar the town from asking this question. There are more particulars in the county's policy; however the county policy doesn't bar the town from asking this question either. The sense of the policy is that it wouldn't be approved. The board wants to know from Mr. Winters if this in fact is the case. In Mr. Winters opinion, based on the county's policy, he sees virtually nothing wrong with it as long as the town is going to follow the county's policy. Drexler stated that she is not happy that Mr. Winters received the draft copy; however, Atty. Marone doesn't see any harm in getting Mr. Winters preliminary opinion.

What is stated in the county's policy? Mr. Winters advised that there is no advantage to the town in submitting the petition early. Mr. Winters sends out a letter of solicitation to each town in the county asking if they have a project they would like to submit. The petition can be submitted anytime. This project is unique simply because the county doesn't have many project of this size. However, the county has done projects of this size in the past. Mr. Winters doesn't see why the County Board would decline to do this project except for not following their policy.

Cathy Chapman, 2848 Sheldon Drive, was allowed to ask some questions. Mr. Winters answered that the emergency situation constitutes the culvert caving in. Mr. Winters also answered that this is the only option that towns have to receive county assistance with roads. The county set up the program through a policy, therefore, it's best to follow the policy. The board can approach the County Board and ask for special circumstances, there is no precedent for doing that, but Mr. Winters doesn't know what answer the town will get. Mr. Winters doesn't know how much money there is

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available, it goes through the county budget process. The money comes out of the tax levy which is assessed to all residents in Winnebago County.

Motion by Drexler/Kierszh that the board receive a copy of the revised funding petition and approval it at the next stormwater management meeting. No further discussion. Motion carried in a voice vote, 5-0.

The process for approval is as follows: The petition is filed. The petition goes to the Highway Commission for a recommendation. The recommendation goes to the County Board, who gives final approval. The town won't know until fall of 2013 if they get the funding.

b. Permitting Status.

Mr. Shubak updated the board on the status of the permitting. Last Stormwater Management Meeting the permits were submitted. So far, the Department of Natural Resources has approved the permits. We are still waiting on the Corps of Engineers to approve their permits. This will not affect the project schedule as the project will be put on the shelf until 2014.

5. Stormwater Grant Applications.

a. Review Draft Stormwater Grant Application for Honey Creek Streambank Project.

Mr. Shubak went through Urban Non-Point Source Stormwater Grant Program for Construction Projects for the Honey Creek Streambank Project which is about 500 feet to the west of Oakwood Road toward Sheldon Nature Area. Deadline for the grant is April 15th, so there is time to make any amendments to the grant. The goal is to have the board look through the grants and focus on the cost estimates of the project, and what costs the town is going to have to bear. One of the requirements is that the governing body pass a resolution of support of the project, of applying for the grant, and financial support that they town is willing to pay their share of the project. A note of caution, just because there is a grant awarded, doesn't mean the town is obligated to do the project. If the town doesn't have the funds they thought they would have at the time of award, the town can simply give the money back to the state.

In looking at the schedule, the design phase is tentatively scheduled to begin in early 2014, bidding would occur towards the end of spring of 2014, with construction following. The total overall cost for this project is \$155,900 to complete this project. The state's share would be half of this, roughly \$77,950.00. The rest of the application states why the project is necessary and the goal of the project. The grant is actually geared towards improving water quality; while this is not primary goal of this project, it's the benefit of this project, so it is eligible for the grant. A Streambank stabilization project stabilizes the creek banks, stops erosion and sediment from getting into the water stream, which increases the water quality. Other aspects of the project is that it's all done on private land, there is no land acquisition, and the two property owners have been at the stormwater management meetings and are aware of this project.

The limit of this improvement is the property line of the Sheldon Nature Area. Therefore it is not included in this application. In the interim, improvements in the Sheldon Nature Area could be done.

The paths have created an impediment for water flow through that area. The delay on the culvert is due to the town receiving funding. Blake and Clerk Nelson met with the Sheldon Nature Area and Oshkosh Area School District, and can report that the Oshkosh Area School District is more concerned with the land trust issue at the present time. Discussion ensued regarding this meeting. Blake was invited to a meeting with the Sheldon Nature Area and the Oshkosh Area School District. There is no policy against any board member attending any meeting they are invited to attend. This topic is off the agenda and will be presented by Blake at the next Town Board Meeting.

b. Review Draft Stormwater Grant Application for Regional Detention Basin east of Olde Apple Acres.

This application is for land acquisition for a detention pond. Atty. Marone went over the procedure of the town acquiring land. The first step is to have a Meeting of the Electors. The Meeting of the Electors authorizes the Town Board to negotiate the transaction of land acquisition. Since it is unknown if the electors want to pursue a detention pond or if they will grant authority to the Town Board to negotiate a land transaction, the exact location or parcels cannot be discussed this evening. One requirement of the grant is that the town knows that the affected property owners are a willing participant in this land transaction. This detention basin will serve approximately 120 acres of developed land. This grant is primarily for stormwater quality improvements which this project will do; the project will also provide flood control. The intent of this project is to provide a stormwater detention basin that will hold stormwater and release it at a slow rate, more controlled, to prevent flooding in the Snowdon Drive area. Snowdon Drive area has been an area that has seen flooding in the past. Strand did studies on how much land is needed for adequate storage and developed estimated costs. The schedule is very similar to that of the Streambank Project. This grant cycle is two years; if it's deemed what there isn't going to be enough money in 2014 to do the Oakwood Road culvert, the Honey Creek Streambank Restoration Project, and the Regional Detention Basin Project all in 2014, the town isn't obligated to take the money. Sometimes there is a year extension granted if necessary. The rough estimate for the Regional Detention Basin Project is in the \$400,000 range. The grant application estimated costs are a little high in order to build in a level of conservation because bids may come in higher than anticipated. This Urban Non Point Source grant is for undeveloped watersheds; a portion of this watershed is developed. Therefore, a portion of the grant has to be prorated; meaning the town is only eligible for 30% of the grant instead of 50%. This is a Department of Natural Resources policy. However, the town does have the ability to recoup some money from the undeveloped land.

Schedule was talked about. Since time is of the essence, it was determined that the Meeting of the Electors will take place on Tuesday, March 26th, 2013 at 6:00 PM with a closed session following to talk about if the land transaction would work for all the board members. The resolution will be discussed and approved at that meeting as well.

Motion by Blake/Kierszh to have a Special Meeting of the Electors on Tuesday, March 26, 2013 at 6:00 PM with a closed session following to discuss the land transaction, the resolution of support will be taken up at that time as well. No further discussion. Motion carried in a voice vote, 5-0.

c. Resolution in Support of Stormwater Grant Applications.

Approved at the March 20th, 2013 Regular Town Board Meeting.

See Item 5.b above for discussion.

6. Next Stormwater Workshop – To Be Announced (TBA).

A Special Meeting of the Electors will be held Tuesday, March 26, 2013 at 6:00 PM regarding stormwater management. Clerk Nelson will send out doodle to schedule a further Stormwater Management Meeting.

7. Adjourn.

Motion to adjourn by Hamann/Kierszh. No further discussion. Motion carried in a voice vote 5-0. Meeting adjourned at 6:40 PM.

Respectfully submitted,

Charlotte Nelson

Charlotte K. Nelson, WCMC
Town Clerk
Town of Algoma, Winnebago County, Wisconsin.